

# CUSTOMS IN COMMON



E. P. THOMPSON

'One of the most eloquent, powerful and independent  
voices of our time' – Keith Thomas in the *Observer*



## PENGUIN HISTORY

**'One of a select band of historians who have fundamentally changed the ways we can look at the past' – Julian Hoppit in *The Times Higher Education Supplement***

Eighteenth-century Britain saw a profound distancing between the culture of the patricians and the plebs. E. P. Thompson explains why in this series of brilliant essays on the customs of the working people, which, he argues, emerged as a culture of resistance towards an innovative market economy. He discusses 'wife sales' as a form of unofficial divorce, the 'rough music' or ritual mockery directed at transgressors, the ways a rebellious traditional culture fought back against the enclosure movement, 'free markets' in grain and the work-discipline of early industrial capitalism. The result is a vividly original book, a superb companion volume to E. P. Thompson's monumental *The Making of the English Working Class*.

**'There are few more important figures in social history than E. P. Thompson ... his work stands up with a freshness and jauntiness that belie his seniority ... he vividly describes a plebeian culture consisting of authentic, spontaneous realities in a world defined by sharp polarities'**  
– Andrew Freeman in the *Financial Times*

**'He is capable of a passionate, sardonic eloquence which is unequalled ... his range of reading is immense and he makes excellent use of folklorist material'** – Keith Thomas in the *Observer*

**'With Thompson ... intellectual audacity co-exists with the highest standards of academic rigour and moral integrity ... an intellectual *tour de force*'** – Frank McLynn in the *New Statesman & Society*



**PENGUIN**  
History  
Social Sciences

U.K. £13.00  
AUST. \$24.95  
(recommended)

ISBN 0-14-012556-6



9

780140 125566



90302

E. P. THOMPSON

CUSTOMS IN COMMON

ISBN 0 14  
01.2556 6



PENGUIN BOOKS

CUSTOMS IN COMMON

E. P. Thompson was born in 1924, and read history at Corpus Christi College, Cambridge, graduating in 1946. His time there was interrupted by war service in Italy. From 1948 until 1965 he was extra-mural Lecturer at Leeds University in the West Riding and he was also Reader at the Centre for the Study of Social History at the University of Warwick. A freelance writer and admired historian, he was also a founder of END and a Vice-President of CND. E. P. Thompson was made a Fellow of the British Academy in 1992, and was a Foreign Honorary Member of the American Academy of Arts and Sciences. After his time at Warwick University, E. P. Thompson held no permanent academic posts, but was a visiting professor at several American universities. He died in 1993, survived by his wife and two sons.

Thompson's first major work was his biography, *William Morris: Romantic to Revolutionary*, which first appeared in 1955 (revised edition, 1977). *The Making of the English Working Class* was instantly recognized as a classic on its publication in 1963 and secured his position as one of the leading social historians of his time. Other books include *Whigs and Hunters* and *The Poverty of Theory and Other Essays*. His last book, *Customs in Common* (1991), is a study of eighteenth-century popular beliefs and behaviour. An active campaigner on the left and a key figure in the ending of the Cold War, his writings on public issues include *Writing by Candlelight*, *Beyond the Cold War*, *The Heavy Dancers* and *Double Exposure*. In 1988 he published his first novel, a political allegory entitled *The Sykaos Papers*. Many of his books are published by Penguin.

In a tribute to Thompson in the *Independent*, E. J. Hobsbawm declared that he had 'not just talent, brilliance, erudition and the gift of writing but the capacity to produce something qualitatively different from the rest of us, not to be measured on the same scale. Let us simply call it genius, in the traditional sense of the word.'



E. P. THOMPSON

---

CUSTOMS IN COMMON



PENGUIN BOOKS

PENGUIN BOOKS

Published by the Penguin Group  
Penguin Books Ltd, 27 Wrights Lane, London W8 5TZ, England  
Penguin Books USA Inc., 375 Hudson Street, New York, New York 10014, USA  
Penguin Books Australia Ltd, Ringwood, Victoria, Australia  
Penguin Books Canada Ltd, 10 Alcorn Avenue, Toronto, Ontario, Canada M4V 3B2  
Penguin Books (NZ) Ltd, 182-190 Wairau Road, Auckland 10, New Zealand  
Penguin Books Ltd, Registered Offices: Harmondsworth, Middlesex, England

First published by The Merlin Press 1991  
Published in Penguin Books 1993  
3 5 7 9 10 8 6 4

Copyright © E. P. Thompson. 1991  
All rights reserved

The moral right of the author has been asserted

Printed in England by Clays Ltd, St Ives plc

Except in the United States of America, this book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser

*Contents*

	Preface and Acknowledgements	<i>page</i> ix
I	Introduction: Custom and Culture	1
II	The Patricians and the Plebs	16
III	Custom, Law and Common Right	97
IV	The Moral Economy of the English Crowd in the Eighteenth Century	185
V	The Moral Economy Reviewed	259
VI	Time, Work-Discipline and Industrial Capitalism	352
VII	The Sale of Wives	404
VIII	Rough Music	467
	Index	539

to Martin Eve  
uncommon customer

## List of Illustrations

- I Woolcombers' trade union ticket, 1725. (PRO., KB 1.3.).
- II Amicable Society of Woolstaplers, 1785. (Kidderminster Reference Library).
- III Woolcombers' trade union ticket, 1835. (Bradford Reference Library).
- IV The Pillory in its Glory, 1765 (Martin Eve, Merlin Press).
- V A lampoon of a clerical magistrate, 1800. (PRO., KB 1.30, (Part Two), Easter 40 Geo. III, no. 2).
- VI Last dying words of another clerical magistrate. (PRO., KB 1.30 (Part Two, 41 Geo. III, no. 1, enclosed with affidavit of the Reverend Thomas Lane, JP, 17 November 1800)).
- VII The Pluralist and Old Soldier. ("Tim Bobbin"). (Manchester Central Reference Library, 1766 broadside).
- VIII The tradition of consumer protection (J. Penketham, *Artachthos* (1638, republished 1765)).
- IX Beating the bounds of Richmond (*Two Historical Accounts of the Making of the New Forest and of Richmond New Park*, 1751).
- X Forestallers Crop-Sick. (Woodward, May 1801). (M. D. George, *Catalogue of Prints and Drawings in the British Museum: Political and Personal Satires*, VIII, item 9721).
- XI Hints to Forestallers. (I. Cruikshank? August 1800) (M. D. George, *Catalogue*, VIII, item 9547).
- XII A Legal Method of Thrashing Out Grain. (I. Cruikshank, August 1800). (M. D. George, *Catalogue*, VII, item 9545).
- XIII The Farmers' Toast. (Williams, March 1801. M. D. George, *Catalogue*, VIII, item 9717).
- XIV Physiognomy: Landlord and Farmer. (Woodward, 1801, M. D. George, *Catalogue*, VIII, item 9723).
- XV Monopolizers Caught in their Own Trap. (Williams, May 1801). (M. D. George, *Catalogue*, VIII, item 9720).
- XVI Old Friends with New Faces. (Woodward, c. October 1801). (M. D. George, *Catalogue*, VIII, item 9731).
- XVIIa The Butter Cross at Witney. (Photo: Wendy Thwaites).
- XVIIb The Corn Market at Ledbury. (Author's photo).
- XVIII Neptune Yard, Walker, Newcastle-upon-Tyne. (Department of Photography, University of Newcastle-upon-Tyne).
- XIX Plaster relief at Montacute House: I.
- XX Plaster relief at Montacute House: II.
- XXI Burning the Rumps at Temple Bar. (From Hogarth's illustrations to Butler's "Hudibras", 1726).
- XXII Hogarth's Skimmington. (Hogarth's illustrations to "Hudibras").



- XXIII Dr. Syntax with the Skimerton Riders. (Rowlandson's illustrations to Combe's "Dr. Syntax", 1812).
- XXIV A Summons for Horn Fair. (British Library, press-mark C 121, g 9).
- XXV Another Summons. (British Library, press-mark 1851 d 9 P 91).
- XXVI The Dorset Ooser. (Dorset Natural History and Archaeological Society, monograph 2, Dorchester 1968).
- XXVII Riding the Stang. (Thomas Miller, *Our Old Town* (1857)).
- XXVIII A Lewbelling Band and Dummies (*Illustrated London News*, 14 August 1909).
- XXIX John Hobbs, John Hobbs. (Lord Crawford).
- XXX A Wife Sale. (Lord Crawford).
- XXXI A tethered wife. (JF. Macdonagh], *L'Hermite de Londres* (Paris, 1821)).
- XXXII How the French and Germans View the English. (*Punch*, 27 April 1867).

## Preface and Acknowledgements

The studies in this book were intended as a single closely-related argument. This argument is rehearsed in the Introduction. It has, however, taken much longer to complete than I could ever have intended. It commenced — the work on "time" and on "the moral economy" — soon after I published *The Making of the English Working Class* over twenty years ago. Then it was delayed by work on eighteenth-century crime, which resulted in *Whigs and Hunters* and (with colleagues in the University of Warwick's Centre for the Study of Social History) *Albion's Fatal Tree*. Then, in the early eighties, I was turned aside once again, by the emergency of the "second cold war" and by the heavy demands of the peace movement. I do not regret this: I am convinced that the peace movement made a major contribution to dispersing the cold war, which had descended like a polluting cloud on every field of political and intellectual life. These difficulties (as well as ill health) seriously delayed the completion of *Customs in Common*.

I should explain now what I have done to make a consecutive argument. Two chapters are reproduced with no change from earlier publication. These are "Time, Work-Discipline and Industrial Capitalism", first published in *Past and Present*, no. 38, December 1967, and "The Moral Economy of the English Crowd in the Eighteenth Century", *Past and Present*, no. 50, 1971. In the first case, while interesting new work has been done on the question of time, none of it seemed to call for any major revisions to my article. I have left "the moral economy" to stand for a different reason. The thesis has been much discussed, criticised and developed, and



at some points overtaken by subsequent research. At first I laboured to revise and to up-date it. But this proved to be a hopeless task. It was a kind of retrospective moving of the goal-posts. I found that I was modifying a text upon which much commentary by other scholars had been hung. I have therefore republished the original study and have written a quite new study, of greater length, "The Moral Economy Reviewed", in which I respond to some critics and reflect upon the issues raised by others.

The other studies in the book have either been extensively revised or appear here for the first time. The "Introduction" and "Patricians and Plebs" include passages which first appeared in "Patrician Society, Plebeian Culture", *Journal of Social History*, Vol. 7, no. 4, summer 1974, and "Eighteenth-century English society: class struggle without class?", *Social History*, Vol. 3, no. 2, May 1978. A shorter version of "Rough Music" appeared as " 'Rough Music': Le Charivari anglais" in *Annales: Économies, Sociétés, Civilisations*, 27e Année, no. 2, Mars-Avril 1972. I am grateful to the editors and journals concerned for allowing me to draw upon this material.

I am grateful also to those institutions and those colleagues who have afforded me hospitality and the opportunity to teach and to keep in touch with the historical profession over this long period. These include several American universities (Pittsburgh, Rutgers, Brown, Dartmouth College), as well as a circuit of Indian universities and the Sir Douglas Robb lectures at the University of Auckland, New Zealand. More recently I am especially grateful to three universities which took the risk of inviting me as a visitor — rusty as I was — and enabled me to rehabilitate myself as a scholar, after the long diversion of the peace movement years. These were, first, Queen's University, Kingston, Ontario (1988); the University of Manchester, which awarded me a Simon Senior Research Fellowship in 1988-89; and Rutgers University, which appointed me as Raoul Wallenberg Distinguished Visiting Professor in 1989-90, working with the Center for Historical Analysis. Without this generous assistance, and the stimulus of congenial colleagues, I might have lost touch with my trade. Finally, my warm thanks are due to the University of Birmingham, for affording to me library and

research facilities as a Fellow of the Institute for Advanced Research in the Humanities.

If I were to thank everyone who has sent me references (for example of rough music or of wife sales) this preface would be several pages longer. In some cases I have acknowledged donors in my footnotes. I must beg forgiveness for overlooking others. Among those who have passed on information or who have exchanged views are: John Beattie, the late Kathleen Bumstead, Andrew Charlesworth, Robin Clifton, Penelope Corfield, Anna Davin, Natalie Davis, Isabel Emmett, the late G. Ewart Evans, John Fine, John Fletcher, Vic Gammon, John Gillis, Inge Goodwin, Jack Goody, the late Herbert Gutman, Julian Harber, Brian Harrison, J. F. C. Harrison, Martin Ingram, Joan Lane, Louis Mackay, the late David Morgan, Polly Morris, Bryan Palmer, Alfred Peacock, Iorwerth Prothero, Arnold Rattenbury, Ruth Richardson, John Rule, Raphael Samuel, Peter Searby, Robert Shenton, Paul Slack, Len Smith, Michael Sonenscher, Joan Thirsk, Keith Thomas, Dror Wahrman, John Walsh, E. R. Yarham, Eileen and Stephen Yeo. Very particular thanks are due to the late E. E. Dodd, who undertook many searches for me in the Public Record Office, and to Malcolm Thomas (now Librarian at Friends House, Euston Road) whose gifted services I was once fortunate to have as a research assistant; to Adrian Randall, Wendy Thwaites and John Walter, for acute commentary on my "moral economy" texts; to Douglas Hay and Peter Linebaugh, formerly co-editors of *Albion's Fatal Tree*, for advice on the law, on crime, and on many other matters; to Robert Malcolmson and to Rex Russell, for their generosity in passing on references as to wife sales and agrarian matters; to Roy Palmer, for sharing his inexhaustible and expert knowledge of ballad and broadside literature; to Nicholas Rogers, for keeping me in touch with his outstanding work-in-progress on the London and provincial crowd; and to Jeanette Neeson, whose work on eighteenth-century *Commoners* — soon to be published — will transform the understanding of that century's agrarian and social history, and to whose insights I am deeply indebted. Further particular thanks are due to Eveline King, who has skilfully



deciphered and typed my much-corrected manuscript; to two friends over many years, who are also my publishers — in the United States, André Schiffrin, until recently the directing inspiration of Pantheon Books, before this was made impossible by the philistine policies of Random House — and in Britain, Martin Eve of Merlin Press, who has come to my aid in every difficulty. Both have been extraordinarily patient and encouraging in the face of my long delays. Finally, Dorothy Thompson, who has been my fellow-worker and who has shared my interests for more than four decades, has commented on each chapter as it came from the typewriter. Without her help, of many kinds, this book would not have been completed.

My thanks are also due to the libraries and county record offices acknowledged in my footnotes. These include, of course, the British Library, the British Museum Print Room, and the Public Record Office. Transcripts of Crown-Copyright records in the Public Record Office appear by permission of the Controller of H. M. Stationery Office, and my thanks are due for permission to reproduce Plates V and VI. My thanks are also due to the Librarian of Cecil Sharp house; to the marquess of Cholmondeley (for permission to draw upon the Cholmondeley (Houghton) papers, now in the Cambridge University Library); to the Librarian, the William L. Clement Library, Ann Arbor, Michigan, for permission to consult the Shelburne Papers; to the Rt. Hon. the Earl St. Aldwyn (for the papers of Charles Withers); to His Grace, the duke of Marlborough (for the papers of the earl of Sunderland at Blenheim Palace); to Lord Crawford, for permission to reproduce Plates XXIX and XXX, and to all other sources acknowledged in the footnotes and text. The passage (see p. 127) from A. W. B. Simpson, *A History of the Land Law* (Oxford, 2nd edn., 1986) is cited by permission of Oxford University Press. My thanks also go to the British Library and British Museum Print Room for permission to reproduce materials in their collections as illustrations.

Worcester, December 1990

## Chapter One

### *Introduction: Custom and Culture*

All the studies in this book are connected by different paths with the theme of custom as it was expressed within the culture of working people in the eighteenth century and into the nineteenth. It is my thesis that customary consciousness and customary usages were especially robust in the eighteenth century: indeed, some “customs” were of recent invention, and were in truth claims to new “rights”. Historians of the sixteenth and seventeenth centuries have tended to see the eighteenth century as a time when these customary usages were in decline, along with magic, witchcraft and kindred superstitions. The people were subject to pressures to “reform” popular culture from above, literacy was displacing oral transmission, and enlightenment (it is supposed) was seeping down from the superior to the subordinate orders.

But the pressures of “reform” were stubbornly resisted, and the eighteenth century saw a profound distance opened, a profound alienation between the culture of patricians and plebs. Peter Burke, in his illuminating study of *Popular Culture in Early Modern Europe* (1978) suggests that this distance was a European-wide phenomenon, and that one consequence was the emergence of folklore, as sensitive (and insensitive) observers in the upper ranks of society sent out exploring parties to inspect the “Little Tradition” of the plebs, and to record their strange observances and rituals. Already, as the study of folklore emerged, these usages were coming to be seen as “antiquities” or survivals, and the great pioneer of folklore, John Brand, thought it necessary to preface his *Observations on Popular Antiquities* with an apology for attending to them at all:



... nothing can be foreign to our enquiry, much less beneath our notice, that concerns the smallest of the Vulgar; of those little Ones who occupy the lowest place, though by no means of the least importance in the political arrangement of human Beings.<sup>1</sup>

Thus folklore at its very origin carried this sense of patronising distance, of subordination (Brand noted that pride and the necessities of civil Polity had “portioned out the human Genus into. . . a variety of different and subordinate Species”), and of customs as survivals. For 150 years the preferred methodology of collectors was to group such survivals as “calendar customs”, which found their last refuge in the deepest countryside. As one folklorist wrote at the end of the nineteenth century, his object was to describe:

The old customs which still linger on in the obscure nooks and corners of our native land, or which have survived the march of progress in our busy city's life.<sup>2</sup>

To such collectors we are indebted for careful descriptions of well-dressings or rush-bearings or harvest homes or, indeed, late examples of skimmington ridings. But what was lost, in considering (plural) customs as discrete survivals, was any strong sense of custom in the singular (although with many forms of expression), custom not as post-anything but as *sui generis* — as ambience, *mentalité*, and as a whole vocabulary of discourse, of legitimation and of expectation.

In earlier centuries the term “custom” was used to carry much of what is now carried by the word “culture”. Custom was man's “second nature”. Francis Bacon wrote of custom as induced and habitual inertial behaviour: “Men Profess, Protest, Engage, Give Great Words, and then Doe just as they have Done before. As if they were Dead Images, and Engines moved onely by the Wheelles of *Custom*.” For Bacon, then, the problem was to induce better habits and as early in life as possible:

Since Custom is the principal Magistrate of Man's Life, let Men, by all Means, endeavour to obtain good Customs. . . Custom is most perfect

<sup>1</sup> John Brand and Henry Ellis, *Observations on Popular Antiquities* (1813), Vol. 1, p. xxi. (Brand's Preface is dated 1795.)

<sup>2</sup> P. H. Ditchfield, *Old English Customs extant at the Present Time* (1896), Preface.

when it beginneth in young Years; This we call Education, which is, in Effect, but an early Custom.

Bacon was not thinking of the labouring people, but one hundred years later Bernard Mandeville, who was quite as convinced as was Bacon of the “Tyranny which Custom usurps over us”,<sup>1</sup> was a great deal less well-disposed towards any universal provision of education. It was necessary that “great multitudes of People” should “inure their Bodies to Work” both for themselves and to support the more fortunate in Idleness, Ease and Pleasure:

To make the Society Happy and People Easy under the meanest Circumstances, it is requisite that great numbers of them should be Ignorant as well as Poor. Knowledge both enlarges and multiplies our Desires. . . The Welfare and Felicity therefore of every State and Kingdom require that the Knowledge of the Working Poor should be confin'd within the Verge of their Occupations and never extended (as to things visible) beyond what relates to their Calling. The more a Shepherd, a Plowman or any other Peasant knows of the World, and the things that are Foreign to his Labour or Employment, the less fit he'll be to go through the Fatigues and Hardships of it with Chearfulness and Content.

Hence for Mandeville reading, writing and arithmetic “are very pernicious to the Poor”.<sup>2</sup>

If many of the “poor” were denied education, what else did they have to fall back upon but oral transmission with its heavy freight of “custom”. If nineteenth-century folklore, by separating survivals from their context, lost awareness of custom as ambience and *mentalité*, so also it lost sight of the rational functions of many customs within the routines of daily and weekly labour. Many customs were endorsed and sometimes enforced by popular pressure and protest. Custom was certainly a “good” word in the eighteenth century: England had long been priding herself on being Good and Old.<sup>3</sup> It was also an operative word. If, along one path, “custom” carried many of the meanings we assign now to

<sup>1</sup> Bernard Mandeville, *The Fable of the Bees* (Harmondsworth, 1970 edn.), p. 191; also p. 334.

<sup>2</sup> *Ibid.*, p. 294.

<sup>3</sup> For an excellent survey of custom, 1700-1880, see Bob Bushaway, *By Rite* (1982). Also R. W. Malcolmson, *Life and Labour in England, 1700-1780* (1981), Chapter 4, “Beliefs, customs and identities”.



"culture", along another path custom had close affinities with the common law. This law was derived from the customs, or habitual usages, of the country: usages which might be reduced to rule and precedents, which in some circumstances were codified and might be enforceable at law.

This was the case, above all, with *lex loci*, the local customs of the manor. These customs, whose record was sometimes only preserved in the memories of the aged, had legal effect, unless directly voided by statute law.<sup>1</sup> This is discussed more fully in Chapter 3. There were some industrial groups for whom custom was claimed with equal legal force — the Cornish tanners, with their Stannary Court, the free miners of the Forest of Dean with their "Book of Dennis".<sup>2</sup> The rights claimed by the Dean miners could possibly have descended from the thirteenth century, but the "Laws and Customs of the Miners" were codified in an Inquisition of 1610, when 48 free miners recorded their usages (first printed in 1687). Frequently the invocation of the "custom" of a trade or occupation indicated a usage so long exercised that it had taken on the colour of a privilege or right.<sup>3</sup> Thus in 1718 when clothiers in the South-West attempted to lengthen the cloth piece by half a yard, the weavers complained that they were acting "contrary to law, usage and custom from time immemorial". And in 1805 London printers complained that employers were taking advantage of the ignorance of their journeymen by "disputing or denying custom, and by refusing to acknowledge precedents, which have been hitherto the only reference."<sup>4</sup> Many of the classic struggles at the entry to the

<sup>1</sup>"A custom or prescription against a statute is void": but an exception was made for local corn measures, where "it is said. . . the custom of the place is to be observed, if it be a custom beyond all memory, and used without any visible interruption": Richard Burn, *The Justice of the Peace and Parish Officer* (14th edition, 1780), vol. I, p. 408.

<sup>2</sup>For the breakdown of custom in the Forest of Dean, see C. Fisher, *Custom, Work and Market Capitalism* (1981). Is it possible that "Dennis" is a corruption of the Statute of De Donis (1285)?

<sup>3</sup>Several of the studies in E. J. Hobsbawm, *Labouring Men* (1964) bear centrally upon custom. See also John Rule, *The Experience of Labour in Eighteenth-Century Industry* (1981), esp. Chapter 8, "Custom, Culture and Consciousness".

<sup>4</sup>John Rule, *op. cit.*, pp. 194, 196.

industrial revolution turned as much on customs as upon wages or conditions of work.

Most of these customs may be described as "visible": they were codified in some form, or they can be accounted for with exactness. But as the plebeian culture became more opaque to gentry inspection, so other customs became less visible. The ceremonies and processions of the trades, which had once been built into the calendar of the corporate year — under the patronage of Bishop Blaize for the wool-combers, St. Clement for the blacksmiths, St. Crispin for the shoemakers — might still be celebrated on special occasions, such as coronations or anniversaries, in the eighteenth century. But in the nineteenth century such processions lost their consensual "trade" endorsement, they were feared by employers and corporations as occasions for high spirits and disorder (as indeed they sometimes were),<sup>1</sup> and St. Clement was honoured, not in the streets, but in the trades' club or friendly society meeting in the tavern.<sup>2</sup>

This is symptomatic of the disassociation between patrician and plebeian cultures in the eighteenth and early nineteenth centuries.<sup>3</sup> It is difficult not to see this division in terms of class. A perceptive folklorist, G. L. Gomme, saw folklore as customs, rites and beliefs belonging to the people —

<sup>1</sup>In 1837 a Woolwich shopkeeper complained that on St. Clements Day [November 23rd] "a procession got up by the Blacksmiths' apprentices passed through the principal streets of the Town, attended by a large Mob, some carrying Torches, others discharging fireworks in great abundance in the most reckless manner, by which the horses attached to one of Mr Wheatley's Omnibuses. . . were so terrified as to. . . run the Pole of the Omnibus through your Memorialist's shop window". Memorial of Robert Wollett of Woolwich, 27 November 1837, in PRO HO 73.2.

<sup>2</sup>William Hone, *Every-Day Book* (1826), vol. I, col. 1499; F. E. Sawyer, "Old Clem Celebrations and Blacksmiths Lore", *Folk Lore Journal*, II, 1884, p. 321; G. P. G. Hills, "Notes on Some Blacksmiths' Legends and the Observance of St. Clement's Day", *Proceedings of the Hampshire Field Club*, vol. VIII, 1917-19, pp. 65-82.

<sup>3</sup>For the polarisation of cultures in the seventeenth century, see the editors' introduction to Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985); and for the "momentous split" between patrician and plebeian cultures, see Patrick Curry, *Prophecy and Power: Astrology in Early Modern England* (Oxford, 1989), esp. ch. 7.



And oftentimes in definite antagonism to the accepted customs, rites and beliefs of the State or the nation to which the people and the groups of people belong. These customs, rites and beliefs are mostly kept alive by tradition. . . . They owe their preservation partly to the fact that great masses of people do not belong to the civilisation which towers over them and which is never of their own creation.<sup>1</sup>

In the eighteenth century custom was the rhetoric of legitimation for almost any usage, practice, or demanded right. Hence uncoded custom — and even codified — was in continual flux. So far from having the steady permanence suggested by the word “tradition”, custom was a field of change and of contest, an arena in which opposing interests made conflicting claims. This is one reason why one must be cautious as to generalisations as to “popular culture”. This may suggest, in one anthropological inflexion which has been influential with social historians, an over-consensual view of this culture as “a system of shared meanings, attitudes and values, and the symbolic forms (performances, artifacts) in which they are embodied”.<sup>2</sup> But a culture is also a pool of diverse resources, in which traffic passes between the literate and the oral, the superordinate and the subordinate, the village and the metropolis; it is an arena of conflictual elements, which requires some compelling pressure — as, for example, nationalism or prevalent religious orthodoxy or class consciousness — to take form as “system”. And, indeed, the very term “culture”, with its cosy invocation of consensus, may serve to distract attention from social and cultural contradictions, from the fractures and oppositions within the whole.

At this point generalisations as to the universals of “popular culture” become empty unless they are placed firmly within specific historical contexts. The plebeian culture which clothed itself in the rhetoric of “custom” and which is the central theme of this book was not self-defining or independent of external influences. It had taken form defensively, in opposition to the constraints and controls of

<sup>1</sup>G. L. Gomme, *Encyclopaedia of Religion and Ethics* (Edinburgh, 1913), entry on folklore, pp. 57-9, cited in Bushaway, *op. cit.*, pp. 10-11.

<sup>2</sup>P. Burke, *Popular Culture in Early Modern Europe* (1978), Preface, citing A. L. Kroeber and C. Kluckhohn, *Culture: a Critical Review of Concepts and Definitions* (New York, 1952).

the patrician rulers. The confrontations and negotiations between patricians and plebs are explored in Chapter 2, and case studies of the conflict between customary and innovative (“market”) *mentalités* follow. In these studies I hope that plebeian culture becomes a more concrete and usable concept, no longer situated in the thin air of “meanings, attitudes and values”, but located within a particular equilibrium of social relations, a working environment of exploitation and resistance to exploitation, of relations of power which are masked by the rituals of paternalism and deference. In this way (I hope) “popular culture” is situated within its proper material abode.

Let us resume the characteristic features of the eighteenth-century plebeian culture. As a matter of course it exhibits certain features commonly ascribed to “traditional” cultures. In rural society, but also in thickly populated manufacturing and mining areas (the West of England clothing regions, the Cornish tanners, the Black Country) there is a heavy inheritance of customary definitions and expectations. Apprenticeship as an initiation into adult skills is not confined to its formal industrial expression. It is also the mechanism of inter-generational transmission. The child serves her apprenticeship to household duties, first to her mother (or grandmother), then (often) as a domestic or farm servant. As a young mother, in the mysteries of child-rearing, she is apprentice to the matrons of the community. It is the same in the trades without formal apprenticeship. And with the induction into these particular skills comes an induction into the social experience or common wisdom of the community. Although social life is changing, and although there is much mobility, change has not yet reached that point at which it is assumed that the horizons of each successive generation will be different; nor has that engine of cultural acceleration (and estrangement), formal education, yet interpolated itself significantly into this generational transmission.<sup>1</sup>

<sup>1</sup>Two interesting studies of the restraint which custom may impose upon material expectations are: G. M. Foster, “Peasant Society and the Image of Limited Good”, *American Anthropologist*, April 1965; Daniel Vickers, “Competency and Competition: Economic Culture in Early



Both practices and norms are reproduced down the generations within the slowly differentiating ambience of custom. Traditions are perpetuated largely through oral transmission, with its repertoire of anecdote and of narrative example; where oral tradition is supplemented by growing literacy, the most widely circulated printed products, such as chapbooks, almanacs, broadsides, "last dying speeches" and anecdotal accounts of crime, tend to be subdued to the expectations of the oral culture rather than challenging it with alternatives.

This culture transmits vigorously — and perhaps it also generates — ritualized or stylized performances, whether in recreation or in forms of protest. It is even possible that geographic mobility, together with growing literacy, actually extends the range and distributes such forms more widely: "setting the price", as the central action of a food riot, moves across most of the country (Chapter 4); the ritual divorce known as a "wife sale" appears to have distributed its incidence throughout the country from some unknown point of origin (Chapter 7). The evidence of rough music (Chapter 8) suggests that in the more traditional communities — and these were by no means always ones with a rural profile — quite powerful self-motivating forces of social and moral regulation were at work. This evidence may show that while deviant behaviour might be tolerated up to a point, beyond that point the community sought to impose upon transgressors its own inherited expectations as to approved marital roles and sexual conduct. Even here, however, we have to proceed with caution: this is not *just* "a traditional culture". The norms so defended are not identical with those proclaimed by Church or authority; they are defined within the plebeian culture itself, and the same shaming rituals which are used against a notorious sexual offender may be used against the blackleg, or against the squire and his game-keepers, the excise officer, the JP.

This, then, is a conservative culture in its forms, which appeal to and seek to reinforce traditional usages. The forms

---

America", *William and Mary Quarterly*, 3rd series, vol. xlvii, no. 1, January 1990.

are also non-rational; they do not appeal to "reason" through the pamphlet, sermon or platform; they impose the sanctions of force, ridicule, shame, intimidation. But the content or meanings of this culture cannot so easily be described as conservative. For in social reality labour is becoming, decade by decade, more "free" of traditional manorial, parochial, corporate and paternal controls, and more distanced from direct client dependence upon the gentry. Hence we have a customary culture which is not subject in its daily operations to the ideological domination of the rulers. The gentry's overarching hegemony may define the limits within which the plebeian culture is free to act and grow, but since this hegemony is secular rather than religious or magical it can do little to determine the character of this plebeian culture. The controlling instruments and images of hegemony are those of the Law and not those of the Church or of monarchical charisma. But the Law does not sow pious sisterhoods in cities nor extract the confessions of sinners; its subjects do not tell their rosaries nor go on pilgrimages to the shrines of saints — instead they read broadsides and carouse in taverns and at least some of the Law's victims are regarded, not with horror, but with an ambiguous admiration. The Law may punctuate the limits tolerated by the rulers; it does not, in eighteenth-century England, enter into the cottages, find mention in the widow's prayers, decorate the wall with icons, or inform a view of life.

Hence one characteristic paradox of the century: we have a *rebellious* traditional culture. The conservative culture of the plebs as often as not resists, in the name of custom, those economic rationalizations and innovations (such as enclosure, work-discipline, unregulated "free" markets in grain) which rulers, dealers, or employers seek to impose. Innovation is more evident at the top of society than below, but since this innovation is not some normless and neutral technological/sociological process ("modernization", "rationalization") but is the innovation of capitalist process, it is most often experienced by the plebs in the form of exploitation, or the expropriation of customary use-rights, or the violent disruption of valued patterns of work and leisure (Chapter 6). Hence the plebeian culture is rebellious, but rebellious in defence of custom. The customs defended



are the people's own, and some of them are in fact based upon rather recent assertions in practice. But when the people search for legitimations for protest, they often turn back to the paternalist regulations of a more authoritarian society, and select from among these those parts most calculated to defend their present interests — food rioters appeal back to the Book of Orders and to legislation against forestallers, etc., artisans appeal back to certain parts (e.g. apprenticeship regulation) of the Tudor labour code.

Nor is the social identity of many working people unambiguous. One can often detect within the same individual alternating identities, one deferential, the other rebellious.<sup>1</sup> This was a problem with which — using different terms — Gramsci concerned himself. He noted the contrast between the “popular morality” of folklore tradition and “official morality”. His “man-in-the-mass” might have “two theoretical consciousnesses (or one contradictory consciousness)” — one of praxis, the other “inherited from the past and uncritically absorbed”. When discussing ideology in his prison notebooks, Gramsci sees it as resting upon “the spontaneous philosophy which is proper to everybody”. This philosophy (he concludes) derives from three sources: first, “language itself, which is a totality of determined notions and concepts, and not just of words, grammatically devoid of content”; second, “common sense”; and, third, popular religion and folklore.<sup>2</sup> Of these three, most Western intellectuals today would unhesitatingly award theoretical primacy to the first (language) as not only the carrier but as the constitutive influence upon consciousness. Indeed, while actual language — for example as dialect — has been little examined,<sup>3</sup> it has become fashionable to assume that the

<sup>1</sup> See Hans Medick, “Plebeian Culture in the Transition to Capitalism”, in R. Samuel and G. Stedman Jones (eds.), *Culture, Ideology and Politics* (1982).

<sup>2</sup> See Antonio Gramsci, *Selections from the Prison Notebooks* (1971), pp. 419-25; Bushaway, *op. cit.*, pp. 11-12; T. J. Jackson Lears, “The Concept of Cultural Hegemony: Problems and Possibilities”, *American Hist. Rev.*, 90, 1985.

<sup>3</sup> Social historians have made too little use of dialect studies, including Joseph Wright's in *English Dialect Dictionary*, 6 volumes (1898-1905), which is full of clues as to working usages.

plebs were in a sense “spoken” by their linguistic inheritance, which in turn is seen as a *bricolage* of disparate notions derivative from many sources but held in place by patrician categories. The plebs are even seen as captives within a linguistic prison, compelled even in moments of rebellion to move within the parameters of constitutionalism, of “Old England”, of deference to patrician leaders and of patriarchy.

We can follow this argument some way. But what it overlooks are Gramsci's alternative sources of “spontaneous philosophy”, and in particular “common sense” or praxis. For Gramsci also insisted that this philosophy was not simply the appropriation of an individual but was derived from shared experiences in labour and in social relations, and is “implicit in his activity and which in reality unites him with all his fellow-workers in the practical transformation of the real world. . .” Thus the “two theoretical consciousnesses” can be seen as derivative from two aspects of the same reality: on the one hand, the necessary conformity with the *status quo* if one is to survive, the need to get by in the world as it is in fact ordered, and to play the game according to the rules imposed by employers, overseers of the poor, etc.;<sup>1</sup> on the other hand the “common sense” derived from shared experience with fellow workers and with neighbours of exploitation, hardship and repression, which continually exposes the text of the paternalist theatre to ironic criticism and (less frequently) to revolt.

Another feature of this culture which is of special interest to me is the priority afforded, in certain areas, to “non-economic” over direct monetary sanctions, exchanges and motivations. This feature is now widely discussed as “the moral economy”, and is the theme of Chapters 4 and 5. Again and again, when examining the behaviour of working people in the eighteenth century one finds it to be necessary to “de-code” this behaviour and its symbolic modes of expression and to disclose invisible rules unlike those which a historian of subsequent working-class movements has come to expect. In attending to the symbolism of protest, or in

<sup>1</sup> See my “Folklore, Anthropology, and Social History”, *Indian Hist. Rev.*, vol. III, no. 2, Jan. 1977, p. 265.



decoding rough music or the sale of wives, one shares some of the preoccupations of historians of the sixteenth and seventeenth centuries of an anthropological orientation. In another sense the problems are different, and perhaps more acute, for capitalist process and non-economic customary behaviour are in active and conscious conflict, as in resistance to new patterns of consumption ("needs"), or in resistance to technical innovations or work-rationalizations which threaten to disrupt customary usage and, sometimes, the familial organization of productive roles.<sup>1</sup> Hence we can read much eighteenth-century social history as a succession of confrontations between an innovative market economy and the customary moral economy of the plebs.

In these confrontations it is possible to see prefigurements of subsequent class formations and consciousness; and the fragmented débris of older patterns are revived and re-integrated within this emergent class consciousness. In one sense the plebeian culture is the people's own: it is a defence against the intrusions of gentry or clergy; it consolidates those customs which serve their own interests; the taverns are their own, the fairs are their own, rough music is among their own means of self-regulation. This is not *any* "traditional" culture but a rather peculiar one. It is not, for example, fatalistic, offering consolations and defences in the course of a lifetime which is utterly determined and constrained. It is, rather, picaresque, not only in the obvious sense that more people are mobile, go to sea, are carried off to wars, experience the hazards and adventures of the road.<sup>2</sup> In more settled ambiances — in the growing areas of manufacture and of "free" labour — life itself proceeds along a road whose hazards and accidents cannot be prescribed or avoided by forethought: fluctuations in the incidence of mortality, of prices, of unemployment, are experienced as external

<sup>1</sup>See, for example, Adrian J. Randall, "Work, Culture and Resistance to Machinery in the West of England Woollen Industry", in Pat Hudson (ed.), *Regions and Industries: a perspective on the Industrial Revolution in Britain* (Cambridge, 1989).

<sup>2</sup>Extreme examples of picaresque livelihoods are in Marcus Rediker, *Between the devil and the deep blue sea* (Cambridge, 1987), and Peter Linebaugh, *The London Hanged* (Harmondsworth, 1991).

accidents beyond any control; in general, the working population has little predictive notation of time — they do not plan "careers", or plan families, or see their lives in a given shape before them, or salt away weeks of high earnings in savings, or plan to buy cottages, or ever in their lives take a "vacation". (A young man, knowing that this will be so, may set off once in a lifetime, upon the road to "see the world".) Hence opportunity is grabbed as occasion arises, with little thought of the consequences, just as the crowd imposes its power in moments of insurgent direct action, knowing that its moment of triumph will last for only a week or a day.

I criticised earlier the term "culture", because of its tendency to nudge us towards over-consensual and holistic notions. And yet I have been driven back to an account of "plebeian culture" which may be open to the same criticisms. This may not much matter if we are using "culture" as a loosely descriptive term. After all, there are other descriptive terms in common currency, such as "society", "politics" and "economy": no doubt these deserve close interrogation from time to time, but if on every occasion that these were employed we had to engage in an exercise of rigorous definition the discourse of knowledge would indeed be cumbersome.

Even so we should not forget that "culture" is a clumpish term, which by gathering up so many activities and attributes into one common bundle may actually confuse or disguise discriminations that should be made between them. We need to take this bundle apart, and examine the components with more care: rites, symbolic modes, the cultural attributes of hegemony, the inter-generational transmission of custom and custom's evolution within historically specific forms of working and social relations. As the anthropologist Gerald Sider has shown in a group of astute studies of Newfoundland fishing villages:

Customs do things — they are not abstract formulations of, or searches for, meanings, although they may convey meaning. Customs are clearly connected to, and rooted in, the material and social realities of life and work, although they are not simply derivative from, or reexpressions of these realities. Customs may provide a context in which people may do things it would be more difficult to do directly. . . they may keep the need for collective action, collective adjustment of interests, and



collective expression of feelings and emotions within the terrain and domain of the coparticipants in a custom, serving as a boundary to exclude outsiders.<sup>1</sup>

If I were to nominate those components of the bundle which makes up "popular culture" which most require attention today, these would include "needs" and "expectations". The industrial revolution and accompanying demographic revolution were the backgrounds to the greatest transformation in history, in revolutionising "needs" and in destroying the authority of customary expectations. This is what most demarks the "pre-industrial" or the "traditional" from the modern world. Successive generations no longer stand in an apprentice relation to each other. If we need a utilitarian apologia for our historical enquiry into custom — but I think we do not — it might be found in the fact that this transformation, this remodelling of "need" and this raising of the threshold of material expectations (along with the devaluation of traditional cultural satisfactions) continues with irreversible pressure today, accelerated everywhere by universally available means of communication. These pressures are now felt among one billion Chinese, as well as countless millions in Asian and African villages.

It is not simple to discuss these problems from our comfortable perspective to the "North" of the global divide. Any historian of labour is only too well aware of the self-interest and the class-bound apologetics which can always find reasons why the poor should stay poor. To cite Bernard Mandeville once more:

It is impossible that a Society can long subsist and suffer many of its Members to live in Idleness, and enjoy all the Ease and Pleasure they can invent, without having at the same time great multitudes of People that to make good this effect, will condescend to be quite the Reverse, and by use and patience inure their Bodies to Work for others and themselves besides.<sup>2</sup>

This text has not lost its force today: it is the hidden text of the discourse between North and South. Yet we know also that global expectations are rising like Noah's flood, and that

<sup>1</sup>Gerald M. Sider, *Culture and Class in Anthropology and History* (Cambridge, 1986), p. 940.

<sup>2</sup>Mandeville, *op. cit.*, pp. 292-3.

the readiness of the human species to define its needs and satisfactions in material market terms — and to throw all the globe's resources onto the market — may threaten the species itself (both South and North) with ecological catastrophe. The engineer of this catastrophe will be economic man, whether in classically avaricious capitalist form or in the form of the rebellious economic man of the orthodox Marxist tradition.

As capitalism (or "the market") made over human nature and human need, so political economy and its revolutionary antagonist came to suppose that this economic man was for all time. We stand at the end of a century when this must now be called in doubt. We shall not ever return to pre-capitalist human nature, yet a reminder of its alternative needs, expectations and codes may renew our sense of our nature's range of possibilities. Could it even prepare us for a time when both capitalist and state communist needs and expectations may decompose, and human nature may be made over in a new form? This is, perhaps, to whistle into a typhoon. It is to invoke the rediscovery, in new forms, of a new kind of "customary consciousness", in which once again successive generations stand in apprentice relation to each other, in which material satisfactions remain stable (if more equally distributed) and only cultural satisfactions enlarge, and in which expectations level out into a customary steady state. I do not think that this is likely to happen. But I hope that the studies in this book may illuminate how custom is formed and how complex is its operation.



## Chapter Two

*The Patricians and the Plebs*

"The miserable Circumstance of this Country is now such, that, in short, if it goes on, the Poor will be Rulers over the Rich, and the Servants be Governours of their Masters, the *Plebeij* have almost mobb'd the *Patricij*. . . in a Word, Order is inverted, Subordination ceases, and the World seems to stand with the Bottoim upward."

Daniel Defoe, *The Great Law of Subordination considered or, The Insolence and Insuffrable Behaviour of SERVANTS in England duly enquired into* (1724).

## I

The relationship which I wish to examine in this chapter is that between "the gentry" and "the labouring poor". Both terms are vague. But we have some notion as to what both stand for. In the first six decades of the eighteenth century one tends to associate the gentry with the land. Land remained the index of influence, the plinth on which power was erected. If one adds to direct landed wealth and status, that part of industry which either directly served the agricultural interest (transport, saddlery, wheelwrights, etc.) or which processed agricultural products (brewing, tanning, milling, the great woollen industry, etc.) one can see where the scales of wealth were tipped. So that, despite the immense growth of London and the growth of Liverpool, Manchester, Bristol, Birmingham, Norwich, Leeds etc., England retained until the 1760s an agrarian profile, and many who earned their wealth in urban, commercial occupations still sought to translate their wealth into gentry status by translating it into land. William Hutton, the Birmingham paper merchant, describes in his memoirs his first purchase of lands (1766): "ever since I was 8 years old, I had shewn a fondness for

land. . . and wished to call some my own. This ardent desire after dirt never forsook me."<sup>1</sup>

Yet both "gentlemen" and "the poor" are "gentry-made terms"<sup>2</sup> and both carry a normative freight which can be taken on board uncritically by historians. We are told (for example) that "honour, dignity, integrity, considerateness, courtesy and chivalry were all virtues essential to the character of a gentleman, and they all derived in part from the nature of country life".<sup>3</sup> This suggests a somewhat distanced view of "country life", from which — just as from much eighteenth-century painting of the countryside<sup>4</sup> — the labourers have been subtracted. As for "the poor" this wholly indiscriminate term carries the suggestion that the bulk of the working population were deserving of gentry condescension, and perhaps of charity (and were somehow supported *by* the gentry instead of the direct opposite); and the term puts together paupers and fiercely-independent yeomen, small peasants, farm servants, rural artisans, and so on, in the same gentry-made category.

Vague as the two terms are, yet this chapter will turn upon these two poles and their relation to each other. I shall pass over a great deal of what lies in between: commerce, manufacture, London's luxury trades, overseas empire. And my emphases will not be those which are popular with most established historians. There is perhaps a reason for this. No-one is more susceptible to the charms of the gentry's life than the historian of the eighteenth century. His major sources are in the archives of the gentry or aristocracy. Perhaps he may even find some of his sources still in the muniments room at an ancient landed seat. The historian can easily identify with his sources: he sees himself riding to hounds, or attending Quarter Sessions, or (if he is less ambitious) he sees himself as at least seated at Parson Woodforde's groaning table. The "labouring poor" did not leave their workhouses stashed with documents for historians to work over nor do they invite

<sup>1</sup> *The Life of William Hutton* (1817), p. 177.

<sup>2</sup> Jeanette Neeson gave me the term "gentry-made" for "the poor".

<sup>3</sup> F. M. L. Thompson, *English Landed Society in the Nineteenth Century* (1963), p. 16.

<sup>4</sup> See John Barrell, *The Dark Side of the Landscape* (Cambridge, 1980).



identification with their back-breaking toil. Nevertheless for the majority of the population the view of life was not that of the gentry. I might phrase it more strongly, but we should attend to the quiet words of M. K. Ashby: "The great house seems to me to have kept its best things to itself, giving, with rare exceptions, neither grace nor leadership to villages, but indeed depressing their manhood and culture."<sup>1</sup>

When I and some colleagues offered, a few years ago, a somewhat sceptical view of the virtues of the Whig great gentry and of their lawyers some part of the historical profession was scandalised.<sup>2</sup> Our threat was beaten off, and a view of eighteenth-century England has been reconstituted which passes over, with a few words, the society's deep contradictions. We are told that it was a thriving "consumer society" (whatever that means) populated by "a polite and commercial people".<sup>3</sup> We are not reminded sharply that this was the century in which the commoners finally lost their land, in which the number of offences carrying the capital penalty multiplied, in which thousands of felons were transported, and in which thousands of lives were lost in imperial wars; a century which ended, despite the agricultural "revolution" and the swelling rent-rolls, in severe rural immiseration. Meanwhile the historical profession maintains a bland view of things: historical conferences on eighteenth-century questions tend to be places where the bland lead the bland. We will attempt a less reassuring reconstruction.

It has been a common complaint that the terms "feudal", "capitalist", or "bourgeois" are too imprecise, and cover phenomena too vast and disparate, to be of serious analytic service. We now, however, find constantly in service a new set of terms such as "pre-industrial", "traditional", "paternalism" and "modernization", which appear to be open to very much the same objections; and whose

<sup>1</sup>M. K. Ashby, *Joseph Ashby of Tysoe* (Cambridge 1961 and London, 1974).

<sup>2</sup>See my *Whigs and Hunters* (London and New York, 1975), and D. Hay, P. Linebaugh and E. P. Thompson (eds.), *Albion's Fatal Tree* (London and New York, 1975).

<sup>3</sup>P. Langford, *A Polite and Commercial People: England 1727-1783* (Oxford, 1989).

theoretical paternity is less certain.

It may be of interest that whereas the first set of terms direct attention to conflict or tension within the social process, the second set appear to nudge one towards a view of society in terms of a self-regulating sociological order. They offer themselves, with a specious scientism, as if they were value-free. They also have an eerie timelessness. My own particular dislike is "pre-industrial", a tent within whose spacious folds there sit beside each other West of England clothiers, Persian silversmiths, Guatemalan shepherds, and Corsican bandits.<sup>1</sup>

However, let us leave them happily in their bazaar, exchanging their surprising cultural products, and look more closely at "paternalism". In some writers the "patriarchal" and the "paternal" appear as interchangeable terms, the one carrying a sterner, the other a somewhat softened implication. The two may indeed run into each other in fact as well as in theory. In Weber's description of "traditional" societies the locus for analysis is posited in the familial relations of the tribal unit or household, and from these are extrapolated relations of domination and dependency which come to characterise a "patriarchal" society as a whole — forms which he relates specifically to ancient and feudal forms of social order. Laslett, who has reminded us urgently as to the social centrality of the economic "household" in the seventeenth century, suggests that this contributed to the reproduction of paternal or of patriarchal attitudes and relations which permeated the whole of society — and which perhaps continued to do so until the moment of "industrialization".<sup>2</sup> Marx, it is true, had tended to see patriarchal attitudes as characteristic of the guild system of the Middle Ages, when:

The journeymen and apprentices were organised in each craft as it best suited the interest of the masters. The filial relationship in which they stood to their masters gave the latter a double power — on the one hand

<sup>1</sup>"Proto-industrial" introduces new difficulties, but it is a more precise concept than "pre-industrial" and preferable for descriptive purposes.

<sup>2</sup>This impression was given in Peter Laslett's *The World We Have Lost* (1965). For a stricter view of theories of patriarchy, see G. Schochet, *Patriarchalism in Political Thought* (New York, 1975).



because of their influence on the whole life of the journeymen, and on the other because, for the journeymen who worked with the same master, it was a real bond, which held them together against the journeymen of other masters and separated them from these.

Marx argued that in "manufacture" these relations were replaced by "the monetary relation between worker and capitalist"; but this relationship "in the countryside and in small towns retained a patriarchal tinge".<sup>1</sup> This is a large allowance, especially when we recall that at any time before about 1840 the bulk of the British population lived in such conditions.

And so for "a patriarchal tinge" we may substitute the weaker term, "paternalism". It may seem that this magical social quantum, every day refreshed from the innumerable springs of the small workshop, the economic household, the landed estate, was strong enough to inhibit (except here and there, for brief episodes) class confrontation, until industrialisation brought all that in its train. Before this occurred, there was no class-conscious working class; no class-conflict of that kind, but only fragments of proto-conflict; as an historical agent, the working class did not exist, and, since this is so, the exceedingly difficult business of attempting to find out what was the actual consciousness of the inarticulate labouring poor would be tedious and unnecessary. We are invited to think of the consciousness of a Trade rather than of a class, of vertical rather than horizontal divisions. We can even speak of a "one-class" society.

Examine the following accounts of the eighteenth-century landed gentleman. The first —

The life of a hamlet, a village, a parish, a market town and its hinterland, a whole county, might revolve around the big house in its park. Its reception rooms, gardens, stables and kennels were the centre of local social life; its estate office the exchange for farm tenancies, mining and building leases, and a bank for small savings and investments; its home farm a permanent exhibition of the best available agricultural methods. . . ; its law room. . . the first bulwark of law

<sup>1</sup>This is from a very general passage in *The German Ideology* (1845). See Marx and Engels, *Collected Works* (1976), V, pp. 65-7. For the difficulties arising from the appropriation to somewhat different meanings of "patriarchy" in feminist theory, see below, pp. 499-503.

and order; its portrait gallery, music-room and library the headquarters of local culture; its dining-room the fulcrum of local politics.

And here is the second —

In the course of running his property for his own interests, safety and convenience he performed many of the functions of the state. He was the judge: he settled disputes among his followers. He was the police: he kept order among a large number of people. . . He was the Church: he named the chaplain, usually some near relative with or without religious training, to care for his people. He was a welfare agency: he took care of the sick, the aged, the orphans. He was the army: in case of uprisings. . . he armed his kin and retainers as a private militia. Moreover, through what became an intricate system of marriages, kinship, and sponsorship. . . he could appeal for support if need be to a large number of relatives in the country or in the towns who possessed property and power similar to his own.

These are both acceptable descriptions of the eighteenth-century landed gentleman. However, it happens that one describes the aristocracy or great gentry of England, the other the slave-owners of Colonial Brazil.<sup>1</sup> Both might, equally, and with the smallest revision, describe a patrician in the *campagna* of ancient Rome, one of the landowners in Gogol's *Dead Souls*, a slave-holder in Virginia,<sup>2</sup> or the landowners in any society in which economic and social authority, summary judicial powers, etc., were united in a single place.

Some difficulties, however, remain. We may call a concentration of economic and cultural authority "paternalism" if we wish. But if we allow the term, then we must also allow that it is too large for discriminating analysis. It tells us little about the nature of power and of the State; about forms of property-ownership; about ideology and culture; and it is even too blunt to distinguish between modes of exploitation, between slave and free labour.

Moreover, it is a description of social relations as they may be seen from above. This does not invalidate it, but one should be aware that such a description may be too

<sup>1</sup>Harold Perkin, *The Origins of Modern English Society 1780-1800* (1969), p. 42; Alexander Marchant, "Colonial Brazil", in X. Livermore (ed.), *Portugal and Brazil: an Introduction* (Oxford, 1953), p. 297.

<sup>2</sup>See Eugene D. Genovese, *The World the Slaveholders Made* (New York, 1969), esp. p. 96.



persuasive. If the first description is the only one that we are offered, then it is only too easy to pass from this to some view of a "one-class society"; the great house is at the apex, and all lines of communication run to its dining-room, estate office or kennels. This is, indeed, an impression easily gained by the student who works among estate papers, quarter sessions records, or the duke of Newcastle's correspondence.

But there might be other ways of describing the society than the one offered by Harold Perkin in the first of our two extracts. The life of a parish might equally well revolve around the weekly market, the summer and winter festivals and fairs, the annual village feast, as about the occasions of the big house. The gossip of poaching, theft, sexual scandal and the behaviour of the overseers of the poor might occupy people's minds rather more than the remote comings and goings up at the park. The majority in the village would have little occasion for savings or investment or for agricultural improvement: they might be more bothered about access to firing, turves and grazing on the common than to crop rotations.<sup>1</sup> The law might appear not as a "bulwark" but as a bully. Above all, there might be a radical disassociation — and at times antagonism — between the culture and even the "politics" of the poor and those of the great.

Few would dispute this. But descriptions of the social order in the first sense, as seen from above, are far more common than are attempts to reconstruct the view from below. And whenever the notion of "paternalism" is introduced, it is the first model which it calls to mind. And the term cannot rid itself of normative implications: it suggests human warmth, in a mutually assenting relationship; the father is conscious of duties and responsibilities towards his son, the son is acquiescent or actively complaisant in his filial station. Even the model of the small economic household carries (despite disclaimers) some sense of emotional cosiness: "time was", Laslett once wrote, "when the whole of life went forward in the family, in a circle of loved, familiar faces, known and fondled objects, all to human size".<sup>2</sup> It

<sup>1</sup>They might have been surprised to learn that they belonged to a "consumer society".

<sup>2</sup>See Laslett, *ibid.*, p. 21.

would be unfair to meet this with the reminder that *Wuthering Heights* is presented in exactly such a familial situation. Laslett was reminding us of a relevant aspect of small-scale economic relations, even if the warmth could be of impotent revolt against abject dependency as often as it could be a warmth of mutual respect. In the early years of the industrial revolution workers often harked back to lost paternalist values, Cobbett and Oastler enlarged upon the sense of loss, and Engels endorsed the grievance.

But this raises a further problem. Paternalism as myth or as ideology is nearly always backward-looking. It offers itself in English history less as actuality than as a model of an antique, recently passed, golden age from which present modes and manners are a degeneration. Thus we have Langhorne's *Country Justice* (1774):

When thy good father held this wide domain,  
The voice of sorrow never mourn'd in vain.  
Sooth'd by his pity, by his bounty fed,  
The sick found medecine, and the aged bread.  
He left their interest to no parish care,  
No bailiff urged his little empire there;  
No village tyrant starved them, or oppress'd;  
He learn'd their wants, and he those wants redress'd. . .

The poor at hand their natural patrons saw,  
And lawgivers were supplements of law!

And so on, to the disclaimer that such relations have any present reality:

. . . Fashion's boundless sway  
Has borne the guardian magistrate away.  
Save in Augusta's streets, on Gallia's shores,  
The rural patron is beheld no more. . .

But we may take our literary sources where we will. We may move back some sixty or seventy years to Sir Roger de Coverley, a late survivor, a quaint old-fashioned man, both ridiculous and lovable for being so. We may move back another hundred years to *King Lear*, or to Shakespeare's "good old man" Adam; once again, the paternalist values are seen as "antique", they are crumbling before the competitive individualism of the natural man of young capitalism, where "the bond [is] crack'd 'twixt son and father" and where the



gods stand up for bastards. Or we may move back another hundred years to Sir Thomas More. Always paternalist actuality appears to be receding into an ever more primitive and idealized past.<sup>1</sup> And the term forces us into confusions of actual and ideological attributes.

To resume: paternalism is a loose descriptive term. It has considerably less historical specificity than such terms as feudalism or capitalism; it tends to offer a model of the social order as it is seen from above; it has implications of warmth and of face-to-face relations which imply notions of value; it confuses the actual and the ideal. This does not mean that the term should be discharged as utterly unfit for service. It has as much and as little value as other generalized terms — authoritarian, democratic, egalitarian — which cannot in themselves, and without substantial additions, be brought to characterize a system of social relations. No thoughtful historian should characterize a whole society as paternalist or patriarchal. But paternalism can, as in Tsarist Russia, in Meiji Japan, or in certain slave-holding societies, be a profoundly important component not only of ideology but of the actual institutional mediation of social relations. How do matters stand in eighteenth-century England?

## II

Let us put aside at once one tempting but wholly unprofitable line of investigation: that of attempting to divine the specific gravity of that mysterious fluid, the “patriarchal tinge”, in this or that context and at different moments in the century. We commence with impressions: we ornament our hunches with elegant or apt quotations; we end with impressions.

If we look, rather, at the institutional expression of social relations, then this society appears to offer few genuine paternalist features. What one notices about it first of all is the importance of money. The landed gentry are graded less by birth or other marks of status than by rentals: they are worth so many thousand pounds a year. Among the aristocracy and ambitious gentry, courtship is conducted by fathers and by their lawyers, who guide it carefully towards

<sup>1</sup>See Raymond Williams, *The Country and the City* (Oxford, 1973), *passim*.

its consummation, the well-drawn marriage settlement. Place and office could be bought and sold (provided that the sale did not seriously conflict with the lines of political interest); commissions in the Army; seats in parliament. Use-rights, privileges, liberties, services — all could be translated into an equivalent in money: votes, burgage-rights, immunities from parish office or militia service, the freedom of boroughs, gates on the common. This is the century in which money “beareth all the stroke”, in which liberties become properties, and use-rights are reified. A dove-cot on the site of an ancient burgage may be sold, and with it is sold a right to vote; the rubble of an ancient messuage may be bought up in support of a claim for common right and, thereby, of an extra allocation of the common on enclosure.

If use-rights, services, etc., became properties to be marked up at so many £s value, they did not, however, always become commodities open to any purchaser on the free market. The property assumed its value, as often as not, only within a particular structure of political power, influence, interest and dependency, made familiar to us by Namier. Titular offices of prestige (such as Rangers, Keepers, Constables) and such perquisites as came with them might be bought and sold; but these could not be bought or sold by anyone (during Walpole’s rule, no Tory or Jacobite peer was likely to succeed in this market); and the holder of an opulent office who incurred the disfavour of politicians or Court might find himself threatened with ejection by legal process.<sup>1</sup> Preferment to the highest and most lucrative offices in the Church, the Law and the Army were in a similar position. The offices came through political influence but, once gained, they normally carried life tenure, and the incumbent must milk them of all possible revenue while he could. The tenure of Court sinecures and of high political office was much more uncertain, although by no means less lucrative: the earl of Ranelagh, the duke of Chandos, Walpole and Henry Fox were among those who founded fortunes upon brief tenures of the office of Paymaster

<sup>1</sup>See the instructive cases of Walpole’s entry into Richmond Park, and of General Pepper’s eviction from Enfield Chase in my *Whigs and Hunters*, Chapter 8.



General. And on the other hand, the tenure of landed estates, as absolute property, was wholly secure and heritable. It was both the jumping-off point for power and office, and the point to which power and office returned. Rentals might be jacked up by keen stewardship and improving agriculture, but they offered no windfall gains as did sinecure, office, commercial speculation or fortunate marriage. Political influence could do more to maximize profits than could four-course rotations — as, for example, in smoothing the way for private acts, such as enclosure, or in bringing a wad of unearned sinecurist income back to mortgaged estates, in easing the way to a marriage uniting congenial interests, or in gaining preferential access to a new issue of stock.

This was a predatory phase of agrarian and commercial capitalism, and the State was itself among the prime objects of prey. Victory in high politics was followed by the spoils of war, just as victory in war was often followed by the spoils of politics. The successful commanders of Marlborough's wars gained not only public rewards but also huge sums out of military subcontracting, for fodder, transport, ordnance; for Marlborough there was Blenheim Palace, for Cobham and Cadogan the mini-palaces of Stowe and Caversham. The Hanoverian succession brought a new set of courtier-brigands in its train. But the great financial and commercial interests also required access to the State, for charters, privileges, contracts, and for the diplomatic, military and naval strength required to break open the way for trade.<sup>1</sup> Diplomacy gained for the South Sea Company the *assiento*, or licence to trade in slaves in Spanish America; and it was upon the expectations of massive profits from this concession that the South Sea Bubble was blown. Blowing a bubble cannot be done without spit, and the spit in this case took the form of bribes not only to the king's ministers and mistresses, but also (it is probable) to the king.

We are habituated to think of exploitation as something

<sup>1</sup>We should not forget that Namier's great enquiry into the character of the parliamentary system originated as a study of "The Imperial Problem during the American Revolution"; see *The Structure of Politics at the Accession of George III*, Preface to first edition (1928).

that occurs at ground level, at the point of production. In the early eighteenth century wealth was created at this lowly level, but it rose rapidly to higher regions, accumulated in great gobbets, and the real killings were to be made in the distribution, cornering and sale of goods or raw materials (wool, grain, meat, sugar, cloth, tea, tobacco, slaves), in the manipulation of credit, and in the seizure of the offices of State. A patrician banditti contested for the spoils of power, and this alone explains the great sums of money they were willing to expend on the purchase of parliamentary seats. Seen from this aspect, the State was less an effective organ of any class than a parasitism upon the backs of that very class (the gentry) who had gained the day in 1688. And it was seen as such, and seen to be intolerable, by many of the small Tory gentry during the first half of the century, whose land tax was transferred by the most patent means to the pockets of courtiers and Whig politicians — to that same aristocratic élite whose great estates were, during these years, being consolidated against the small. An attempt was even made by this oligarchy, in the time of the earl of Sunderland, to make itself institutionally confirmed and self-perpetuating, by the attempted Peerage Bill and by the Septennial Act. That constitutional defences against this oligarchy survived these decades at all is due largely to the stubborn resistance of the largely Tory, sometimes Jacobite, independent country gentry, supported again and again by the vociferous and turbulent crowd.

All this was done in the king's name. It was in the name of the king that successful ministers could purge even the most subordinate officer of State who was not wholly subordinate to their interest. "We have left nothing untry'd, to find out every malignant; and have dismiss'd all of whom we could have the least proof either from their present or pass'd behaviour," wrote the three grovelling Commissioners of Customs in Dublin to the earl of Sunderland in August 1715. It is "our duty not to suffer any subordinate to us to eat His Majesty's Bread, who have not all imaginable zeal & affection for his service & Government."<sup>1</sup> But it was a prime interest among the political predators to confine the

<sup>1</sup>Blenheim MSS (Sunderland), D II, 8.



influence of the king to that of *primus inter predatores*. When George II at his accession seemed to be about to dispense with Walpole, it turned out that he could be bought like any Whig politician, but at a higher price:

Walpole knew his duty. Never had a sovereign been more generously treated. The King — £800,000 a year down and the surplus of all taxes appropriated to the civil list, reckoned by Hervey at another £100,000: the Queen — £100,000 a year. The rumour ran that Pulteney offered more. If so, his political ineptitude was astounding. No one but Walpole could have hoped to get such grants through the Commons. . . a point which his Sovereign was not slow in grasping. . .

"Consider, Sir Robert," said the King, purring with gratitude as his minister set out for the Commons, "what makes me easy in this matter will prove for your ease too; it is for my life it is to be fixed and it is for your life."<sup>1</sup>

So Walpole's "duty" turns out to be the mutual respect of two safe-breakers raiding the vaults of the same bank. In these decades the noted Whig "jealousy" of the Crown did not rise from any fear that the Hanoverian monarchs would effect a *coup d'état* and trample underfoot the liberties of the subject in assuming absolute power — that rhetoric was strictly for the hustings. It arose from the more realistic fear that an enlightened monarch might find means to elevate himself, as the personification of an "impartial", rationalizing, bureaucratic State power, above and outside the predatory game. The appeal of such a patriot king would have been immense, not only among the lesser gentry, but among great ranges of the populace: it was exactly the appeal of his image as an uncorrupted patriot which carried William Pitt the elder on a flood of popular acclaim to power, despite the hostility of politicians and of Court.<sup>2</sup>

<sup>1</sup>J. H. Plumb, *Sir Robert Walpole* (1960), II, pp. 168-9.

<sup>2</sup>See P. D. Langford, "William Pitt and public opinion, 1757", *English Historical Review*, cccxvi (1973). But when in power, Pitt's "patriotism" was limited to the right hand of government only. The left hand, Newcastle, "took the treasury, the civil and ecclesiastical patronage, and the disposal of that part of the secret service money which was then employed in bribing members of Parliament. Pitt was Secretary of State, with the direction of war and of foreign affairs. Thus the filth of all the noisome and pestilential sewers of government was poured into one channel. Through the other passed only what was bright and stainless" (T. B. Macaulay, *Critical and Historical Essays* (1880), p. 747.)

"The successors of the old Cavaliers had turned demagogues; the successors of the old Roundheads had turned courtiers." Thus Macaulay; and he continues:

During many years, a generation of Whigs, whom Sidney would have spurned as slaves, continued to wage deadly war with a generation of Tories whom Jeffreys would have hanged for republicans.<sup>1</sup>

This characterization does not long survive the mid-century. The feud between Whigs and Tories had been greatly softened ten years before the accession of George III, and the ensuing "slaughter of the Pelhamite innocents". The Tory survivors among the great gentry re-entered the commission of peace, regained their political presence in the counties, had hopes of shares in the spoils of power. As manufacture moved up in the scales of wealth against merchanting and speculation, so certain forms of privilege and corruption became obnoxious to moneyed men, who became reconciled to the rationalized "impartial" arena of the free market: killings could now be made without some prior political purchase within the organs of State. The accession of George III changed in many ways the terms of the political game — the opposition got out its old libertarian rhetoric and dusted it, for some (as in the City of London) it assumed a real and revived content. But the King sadly bungled any attempt to offer himself as an enlightened monarch, an imperial apex to a disinterested bureaucracy. The parasitic functions of the State came under increasing scrutiny and piecemeal attack (the reform of the Excise, attacks on the East India Company, upon places and sinecures, upon the misappropriation of public lands, etc.); but, despite an efficient revenue service, and a serviceable navy and army, the parasitic role of the State survived.

"Old Corruption" is a more serious term of political analysis than is often supposed; for political power throughout most of the eighteenth century may best be understood, not as a direct organ of any class or interest, but as a secondary political formation, a purchasing-point from which other kinds of economic and social power were gained or enhanced; in its primary functions it was costly, grossly

<sup>1</sup>*Ibid.*, p. 746.



inefficient, and it survived the century only because it did not seriously inhibit the actions of those with *de facto* economic or (local) political power. Its greatest source of strength lay precisely in the weakness of the State itself; in the desuetude of its paternal, bureaucratic and protectionist powers; in the licence which it afforded to agrarian, mercantile and manufacturing capitalism to get on with their own self-reproduction; in the fertile soil which it afforded to *laissez-faire*.<sup>1</sup>

It scarcely seems, however, to be a fertile soil for paternalism. We have become used to a rather different view of eighteenth-century politics, presented by historians who have become habituated to seeing this age in terms of the apologetics of its principal actors.<sup>2</sup> If corruption is noted, it can be passed off by noting a precedent; if Whigs were predators, then Tories were predators too. Nothing is out-of-the-way, all is subsumed in the "accepted standards of the age". But the alternative view which I have offered should come with no sense of surprise. It is, after all, the criticism of high politics offered in *Gulliver's Travels* and in *Jonathan Wilde*; in part in Pope's satires and in part in *Humphrey*

<sup>1</sup>I must emphasise that this is a view of the State as seen from "within". From "without", in its effective military, naval, fiscal, diplomatic and imperial presence, whether directly or indirectly (as in the para-State of the East India Company) it must be seen in a very much more aggressive aspect. John Brewer has helpfully analysed its military strength, and also the efficiency of its fiscal organisation and taxation bureaucracy — Treasury departments and the extensive excise service were comparatively free from the corruption and favours endemic in other government office — in *The Sinews of Power* (1989). This mixture of internal weakness and external strength, and the balance between the two (in "peace" and "war" policies) leads us to most of the real issues of principle thrown up in mid-eighteenth-century high politics. It was when the weaknesses inherent in the internal parasitism wreaked their revenges in external defeat (the loss of Minorca and the ritual sacrifice of Admiral Byng; the American disaster) that elements in the ruling class were shocked out of mere factionalism into a class politics of principle.

<sup>2</sup>But there has been a significant shift in recent historiography, to take more seriously into account relations between politicians and the political nation "without doors". See J. H. Plumb, "Political man", in James L. Clifford (ed.), *Man versus Society in Eighteenth-Century Britain* (Cambridge, 1968); John Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge, 1976); and Linda Colley, *In Defence of Oligarchy: the Tory Party, 1714-1760* (Cambridge, 1982).

*Clinker*; in Johnson's "Vanity of Human Wishes" and "London" and in Goldsmith's "Traveller". It appears, as political theory, in Mandeville's *Fable of the Bees*, in the polemics of the "country party", with a Tory gloss in Bolingbroke's thought and it reappears, in more fragmentary form, and with a Whiggish gloss, in Burgh's *Political Disquisitions*.<sup>1</sup> In the early decades of the century, the comparison between high politics and the criminal underworld was a common figure of satire:

I know that if one would be agreeable to men of dignity one must study to imitate them, and I know which way they get Money and places. I cannot wonder that the Talents requisite for a great Statesman are so scarce in the world since so many of those who possess them are every month cut off in the prime of their Age at the Old-Baily.

Thus John Gay, in a private letter, in 1723.<sup>2</sup> The thought was the germ for the *Beggar's Opera*. Historians have commonly dismissed this figure as hyperbole. They should not.

There are, of course, qualifications to be made. One qualification, however, which can *not* be made is that this parasitism was curbed, or jealously watched, by a purposive, cohesive, growing middle class of professional men and of the manufacturing middle class.<sup>3</sup> To be sure, all the elements of such a class were gathering, and recent historical research has emphasised the growth in the wealth, numbers and cultural presence of the commercial, professional, farming and trading sections of society;<sup>4</sup> the occasional assertion of independence in urban politics;<sup>5</sup> the vigorous growth of leisure centres and facilities mainly serving the "middling

<sup>1</sup>"In our time the opposition is between a corrupt Court joined by an innumerable multitude of all ranks and stations bought with public money. and the independent part of the nation" (*Political Disquisitions, or an Enquiry into Public Errors, Defects, and Abuses* (1774)). This, of course, is the critique of the old "country" opposition to Walpole also.

<sup>2</sup>C. F. Burgess (ed.), *Letters of John Gay* (Oxford, 1966), p. 45.

<sup>3</sup>But note the relevant discussion in John Cannon, *Parliamentary Reform, 1640-1832* (Cambridge, 1973), p. 49, note 1.

<sup>4</sup>This is a consistent and persuasive theme of Paul Langford, *A Polite and Commercial People, op. cit.*, esp. chapter two.

<sup>5</sup>See Nicholas Rogers, *Whigs and Cities* (Cambridge, 1989).



orders".<sup>1</sup> If in the first decades of the century such groups could be held in place by palpable measures of clientage and dependency,<sup>2</sup> by the mid-century they were numerous enough — certainly in London and also in some large towns — to be no longer dependent upon a few patrons, and to have acquired the independence of the more anonymous market. There is a sense in which a middle class was creating its own shadowy civil society or public sphere.

Nevertheless, all this fell far short of a class with its own institutions and objectives, self-confident enough to challenge the managers of Old Corruption. Such a class did not begin to discover itself (except, perhaps, in London) until the last three decades of the century. For most of the century its potential members were content to submit to a condition of abject dependency. They made little effort (until the Association Movement of the late 1770s) to shake off the chains of electoral bribery and influence; they were consenting adults in their own corruption. After two decades of servile attachment to Walpole, the Dissenters emerged with their reward: £500 p.a. to be allocated to the widows of deserving clergy. Fifty years later, and they had still failed to secure the repeal of the Test and Corporation Acts. As churchmen, the majority fawned for preferment, dined and joked (upon suffrage) at the tables of their patrons, and, like Parson Woodforde, were not above accepting a tip from the squire at a wedding or a christening.<sup>3</sup> As surveyors, attorneys, tutors, stewards, tradesmen, etc., they were contained within the limits of dependency; their deferential letters, soliciting place or favour, are stashed in the

<sup>1</sup>See especially P. Corfield, *The Impact of English Towns, 1700-1800* (Oxford, 1982); P. Borsay, *The English Urban Renaissance* (Oxford, 1989); P. Clark (ed.), *The Transformation of English Provincial Towns, 1600-1800* (1984).

<sup>2</sup>Nicholas Rogers, "Aristocratic Clientage, Trade and Independency: Popular Politics in Pre-Radical Westminster", *Past and Present*, 61, 1973.

<sup>3</sup>"April II 1779. . . There were Coaches at Church. Mr Custance immediately after the Ceremony came to me and desired me to accept a small Present; it was wrapped up in a Piece of white Paper very neat, and on opening of it, I found it contained nothing less than the sum of 4. 4. 0. He gave the Clerk also 0. 10. 6." (*The Diary of a Country Parson* (1963), p. 152).

manuscript collections of the great.<sup>1</sup> (As such, the sources give a historiographical bias to overemphasize the deferential element in eighteenth-century society — a man put, perforce, into the stance of soliciting favours will not reveal his true mind.) In general, the middle class submitted to a client relationship. Here and there men of character might break free, but even the arts remained coloured by dependency upon the liberality of patrons.<sup>2</sup> The aspirant professional man or tradesman sought to remedy his sense of grievance less by social organization than by social mobility (or geographical mobility to Bengal, or to that European "West" — the New World). He aimed to purchase immunity from deference by acquiring the wealth which would give him "independence", or land and gentry status.<sup>3</sup> The profound resentments generated by this client status, with its attendant humiliations and its impediments to the career open to talents, fuelled much of the intellectual radicalism of the early 1790s; its embers scorch the foot even in the cool rationalist periods of Godwin's prose.

Thus for at least the first seven decades of the century we can find no industrial or professional middle class which exercises an effective curb upon the operations of predatory oligarchic power. But if there had been no curbs at all, no qualifications of parasitic rule, the consequence must have been anarchy, one faction preying without restraint upon another. The major qualifications to this rule were four.

First, we have already noted the largely Tory "Country"

<sup>1</sup>"The letter-bag of every M.P. with the slightest pretensions to influence was stuffed with pleas and demands from voters for themselves, their relations or their dependents. Places in the Customs and Excise, in the Army and Navy, in the Church, in the East India, Africa and Levant Companies, in all the departments of state from door-keepers to clerks: jobs at Court for the real gentry or sinecures in Ireland, the diplomatic corps, or anywhere else where duties were light and salaries steady" (J. H. Plumb, "Political man", p. 6).

<sup>2</sup>Hence Blake's angry annotation to Sir Joshua Reynolds: "Liberality! we want not Liberality. We want a Fair Price & Proportionate Value & a General Demand for Art" (Geoffrey Keynes (ed.), *The Complete Writings of William Blake* (1957), p. 446).

<sup>3</sup>For Place's savage comments on deference and independence, see Mary Thale (ed.), *The Autobiography of Francis Place* (Cambridge, 1972), pp. 216-18, 250.



tradition of the independent lesser gentry. This tradition is the only one to emerge with much honour from the first half of the century; it re-emerges, in a Whig mantle, with the Association Movement of the 1770s.<sup>1</sup> Secondly, there is the Press: itself a kind of middle-class presence, in advance of other articulated expression — a presence extending in range as literacy extended, and as the Press itself learned how to enlarge and sustain its freedoms.<sup>2</sup> Thirdly, there is “the Law”, elevated during this century to a role more prominent than at any other period of our history, and serving as the “impartial”, arbitrating authority in place of a weak and unenlightened monarchy, a corrupt bureaucracy and a democracy which offered to the real intrusions of power little more than rhetoric about its ancestry. The civil law afforded to the competing interests both a set of defences to their property and those rules of the game without which all would have fallen into anarchy. The higher institutions of the law were not free from influence and corruption, but they were freer from these than was any other profession. To maintain their credibility, the courts must sometimes find for the small man against the great, the subject against the King. In terms of style, the performance was superb: serene, untainted by influence, remote from the hubbub of affairs, lucid, combining a reverence for the precedents of antiquity with a

<sup>1</sup> Although the Country opposition to Walpole had central demands which were democratic in form (annual parliaments, curbs on placemen and corruption, no standing army, etc.), the democracy demanded was of course limited, in general, to the landed gentry (as against the Court and the moneyed interest) as is made clear by continued Tory support for landed property qualifications for MPs. See Quentin Skinner's useful discussion (which, however, neglects the dimension of the political nation “without doors” to which Bolingbroke appealed). “The principles and practice of opposition: the case of Bolingbroke versus Walpole”, in Neil McKendrick (ed.), *Historical Perspectives* (1974); H. T. Dickinson, “The eighteenth-century debate on the ‘Glorious Revolution’,” *History*, vol. lxi, 201 (February 1976), pp. 36-40; and (for the continuity between the platform of old Country party and new radical Whigs), Brewer, *op. cit.*, pp. 19, 253-5. The Hanoverian Whigs also endorsed the high property qualifications for MPs: Cannon, *op. cit.*, p. 36.

<sup>2</sup> See Brewer, *op. cit.*, chapter 8; and, for one example of its provincial extension, John Money, “Taverns, coffee houses and clubs local politics and popular articulacy in the Birmingham area in the age of the American Revolution”, *Historical Journal*, (1971), vol. xiv, 1.

flexible assimilation of the present. Money, of course, could buy the best performers, and the longer purse could often exhaust the lesser; but money could never effect an outright purchase of judgement, and on occasion was visibly discomfited. The civil law provided a fair framework within which the predators could fight for some kinds of spoil: for tithes, for claims to timber and common land, over legacies and entails: on occasion their lesser victims could defend themselves in the same medium. But the criminal law, which faced in the main towards the loose and disorderly sort of people, wore an altogether different aspect. Moreover, eighteenth-century law was concerned less with relations between persons than with relations between property, or claims upon property, or what Blackstone called “the Rights of Things” (see below, p. 135).

Fourthly, and finally, there is the ever-present resistance of the crowd: a crowd which stretched at times from small gentry and professional men to the poor (and within whose numbers the first two groups sometimes sought to combine opposition to the system with anonymity), but which appeared to the great, through the haze of verdure surrounding their parks, to be made up of “the loose and disorderly sort”. The relation between the gentry and the crowd is the particular concern of this argument.

### III

One would not expect paternal responsibilities or filial deference to be vigorous in the predatory regime to which I have gestured. But it is of course possible for a society to be fissured and savagely factional at the top, but to preserve its cohesion below. The military juntas engage in coup and counter-coup, pretenders to the throne exchange places, warlords march and counter-march, but at the base of society the peasantry or plantation-workers remain passive, sometimes submitting to a change of masters, contained by the strength of local paternal institutions, made submissive by the absence of alternative social horizons. Whatever parasitism infested the eighteenth-century State, perhaps the gentry, secure in their counties, threw over the whole of society a paternalist net?

It would not be difficult to find instances of the great



estate or the closed manorial village where this might seem to be so. And we will return to such examples. It would be equally easy to find pasture and forest regions of expanding domestic industry where this is evidently false. The trading of instances will not get us very far. The question we should ask is: What were the institutions, in the eighteenth century, which enabled the rulers to obtain, directly or indirectly, a control over *the whole life* of the labourer, as opposed to the purchase, *seriatim*, of his labour power?

The most substantial fact lies on the other side of the question. This is the century which sees the erosion of half-free forms of labour, the decline of living-in, the final extinction of labour services and the advance of free, mobile, wage labour. This was not an easy or quick transition. Christopher Hill has reminded us of the long resistance made by the free-born Englishman against the pottage of free wage labour. One should note equally the long resistance made by their masters against some of its consequences. These wished devoutly to have the best of both the old world and the new, without the disadvantage of either. They clung to the image of the labourer as an *unfree* man, a "servant": a servant in husbandry, in the workshop, in the house. (They clung simultaneously to the image of the free or masterless man as a vagabond, to be disciplined, whipped and compelled to work.) But crops could not be harvested, cloth could not be manufactured, goods could not be transported, houses could not be built and parks enlarged, without labour readily available and mobile, for whom it would be inconvenient or impossible to accept the reciprocities of the master-servant relationship. The masters disclaimed their paternal responsibilities; but they did not cease, for many decades, to complain at the breach of the "great law of subordination", the diminution of deference, that ensued upon their disclaimer:

The Lab'ring Poor, in spite of double Pay,  
Are saucy, mutinous, and Beggary.<sup>1</sup>

<sup>1</sup>Defoe, *The Great Law of Subordination Consider'd* (1724), p. 80. See Christopher Hill, "Pottage for Freeborn Englishmen: Attitudes to Wage Labour in Sixteenth and Seventeenth century England", in C. Feinstein (ed.), *Socialism, Capitalism and Economic Growth* (Cambridge, 1964).

The most characteristic complaint throughout the greater part of the century was as to the indiscipline of working people, their irregularity of employment, their lack of economic dependency and their social insubordination. Defoe, who was not a conventional "low wages" theorist, and who could on occasion see merit in higher wages which increased the consuming power of "manufacturers" or of "artificers", stated the full case in his *Great Law of Subordination Consider'd; or, the Insolence and Unsufferable Behaviour of Servants in England duly enquir'd into* (1724). He argued that through the insubordination of servants:

Husbandmen are ruin'd, the Farmers disabled, Manufacturers and Artificers plung'd, to the Destruction of Trade. . . and that no Men who, in the Course of Business, employ Numbers of the Poor, can depend upon any Contracts they make, or perform any thing they undertake, having no Law, no Power. . . to oblige the Poor to perform honestly what they are hir'd to do.

Under a stop of Trade, and a general want of Work, then they are clamorous and mutinous, run from their Families, load the Parishes with their Wives and Children. . . and. . . grow ripe for all manner of mischief, whether publick Insurrection, or private plunder.

In a Glut of Trade they grow saucy, lazy, idle and debauch'd. . . they will Work but two or three Days in the Week.

Paternalist control over the whole life of the labourer was in fact being eroded; wage assessment fell into desuetude; the mobility of labour is manifest; the vigour of eighteenth-century hiring-fairs, "statutes" or "statties", proclaim the right of the rural (as well as urban) labourer to claim if he so wished, a change of master.<sup>1</sup> Moreover, there is evidence (in the very refusal of labourers to submit to the work-discipline demanded of them) of the growth of a newly-won psychology of the free labourer. In one of Defoe's moralistic anecdotes, the JP summons the cloth worker upon a complaint from his employer that his work was being neglected:

<sup>1</sup>See A. Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge, 1981); R. W. Malcolmson, *Life and Labour in England, 1700-1780* (1981), pp. 71-4; Michael Roberts, " 'Waiting upon Chance': English Hiring Fairs", *Journal of Historical Sociology*, vol. 1 (1988).



- Justice.* Come in Edmund, I have talk'd with your Master.  
*Edmund.* Not *my Master*, and't please your Worship, I hop I am *my own Master*.  
*Justice.* Well, your Employer, Mr E —, the Clothier: will the word Employer do?  
*Edmund.* Yes, yes, and't please your Worship, any thing, but *Master*.<sup>1</sup>

This is a large change in the terms of relations: subordination is becoming (although between grossly unequal parties) negotiation.

The eighteenth century witnessed a qualitative change in labour relations whose nature is obscured if we see it only in terms of an increase in the scale and volume of manufacture and trade. This occurred, of course. But it occurred in such a way that a substantial proportion of the labour force actually became *more* free from discipline in their daily work, more free to choose between employers and between work and leisure, less situated in a position of dependence in their whole way of life, than they had been before or than they were to be in the first decades of the discipline of the factory and of the clock.

This was a transitory phase. One prominent feature was the loss of non-monetary usages or perquisites, or their translation into money payments. Such usages were still extraordinarily pervasive in the early eighteenth century. They favoured paternal social control because they appeared simultaneously as economic and as social relations, as relations between persons not as payments for services or things. Most evidently, to eat at one's employer's board, to lodge in his barn or above his workshop, was to submit to his supervision. In the great house, the servants who were dependent upon "vails" from visitors, the clothing of the mistress, the clandestine perquisites of the surplus of the larder, spent a lifetime ingratiating favours. Even the multiform perquisites within industry, increasingly being redefined as "theft", were more likely to survive where the workers accepted them as favours and submitted to a filial dependency.

On occasion, one catches a glimpse of the extinction of a perquisite or service which must have induced a shock to paternal control out of all proportion to the economic gain to

<sup>1</sup> Defoe, *op. cit.*, p. 97.

the employer. Thus when Sir Jonathan Trelawney, as Bishop of Winchester, was seeking to increase the revenue of his see, he employed as Steward one Heron, a man strongly committed to ruthless economic rationalization. Among accusations brought against Heron, in 1707, by tenants and subordinate officials of the Bishop's Courts were that:

He breakes old Customes. . . in Minute and Small matters, which are of Small value to your Lordship. . . he has denyed to Allow five Shillings at Waltham to the Jury att the Court. . . to drinke your Lordships health, a Custome that has beene used time out of Mind. . . he has denyed your Lordship's Steward and Officers a small perquisite of haveing their horses shoo'd att Waltham According to an Antient usage which never Exceeded above Six or Seven Shillings. . . he denied your Lordship's Tennants Timber for the repaire of Severall Bridges and Common pounds.

To this Heron replied, somewhat testily:

I own, I affect sometimes to Intermit those minute Customs as he calls them because I observe that your Predecessor's favours are prescribed for against your Lordship & insisted on as Rights, & then your Lordship is not thanked for them; Besides though they are Minute, yet many Minute Expences. . . amount to a Sume at the end.<sup>1</sup>

In such ways economic rationalization nibbled (and had long been nibbling) through the bonds of paternalism. The other leading feature of this transitional period was of course the enlargement of that sector of the economy which was independent of a client relationship to the gentry. The "subject" economy remained huge: not only the direct retainers of the great house, the chambermaids and footmen, coachmen and grooms and gardeners, the gamekeepers and laundresses, but the further concentric rings of economic clientship — the equestrian trades and luxury trades, the dressmakers and pastry cooks and vintners, the coach makers, the innkeepers and ostlers.

But the century saw a growing area of independence within which the small employers and labourers felt their client relationship to the gentry very little or not at all. These were the people whom the gentry saw as "idle and disorderly", withdrawn from their social control; from among these — the

<sup>1</sup> Hants CRO, Eccles. II, 415809, E/B12. See also *Whigs and Hunters*, pp. 126-30.



clothing workers, urban artisans, colliers, bargees and porters, labourers and petty dealers in the food trades — the social rebels, the food or turnpike rioters, were likely to come. They retained many of the attributes commonly ascribed to “pre-industrial labour”.<sup>1</sup> Working often in their own cottages, owning or hiring their own tools, usually working for small employers, frequently working irregular hours and at more than one job, they had escaped from the social controls of the manorial village and were not yet subject to the discipline of factory labour.

Many of their economic dealings might be with men and women little higher in the economic hierarchy than themselves. Their “shopping” was not done in emporiums but at market stalls. The poor state of the roads made necessary a multitude of local markets, at which exchanges of products between primary producers might still be unusually direct. In the 1760s,

Hard-labouring colliers, men and women of Somersetshire and Gloucestershire, travelled to divers neighbouring towns with drifts of horses. . . laden with coals. . . It was common to see such colliers lade or fill a two bushel coal sack with articles of provisions. . . of beef, mutton, large half stript beef bones, stale loaves of bread, and pieces of cheese.<sup>2</sup>

Such markets and, even more, the seasonal fairs provided not only an economic but a cultural nexus, and a major centre for information and exchange of news and gossip.

In many regions, the people had not been shaken alto-

<sup>1</sup>Gwyn Williams in *Artisans and Sansculottes* (1968) writes of “the brief, bawdy, violent, colourful, kaleidoscopic, picaresque world of pre-industrial society, when anything from a third to a half of the population lived not only on the subsistence line but outside and sometimes against the law”. That is one way of seeing a part of this population: and this is confirmed by several studies in P. Linebaugh, *The London Hanged* (1991). However, another part of this population should not be stereotyped as bawdy, colourful and criminal: upward revisions of the numbers engaged in industry (including rural industries) — see especially P. H. Lindert, “English Occupations, 1670-1811”, *J. Econ. Hist.*, 40, (1980) — the rediscovery of the “cottage economy” and of an English peasantry — see David Levine, *Reproducing Families* (Cambridge, 1987) and below p. 176 — and the whole body of work and discussion around “proto-industrialization” have all served to emphasise the substantial and growing sector of the eighteenth-century economy independent of gentry control.

<sup>2</sup>J. Mathews, *Remarks on the Cause and Progress of the Scarcity and Dearness of Cattle* (1797), p. 33.

gether from some sketchy tenure of the land. Since much industrial growth took the form, not of concentration into large units of production, but of the dispersal of petty units and of by-employments (especially spinning) there were additional resources for “independence”. This independence was for many never far from mere subsistence: a bountiful harvest might bring momentary affluence, a long wet season might throw people onto the poor rates. But it was possible for many to knit together this subsistence, from the common, from harvest and occasional manual earnings, from by-employments in the cottage, from daughters in service, from poor rates or charity. And undoubtedly some of the poor followed their own predatory economy, like “the abundance of loose, idle and disorderly persons” who were alleged, in the time of George II, to live on the margins of Enfield Chase, and who “infest the same, going in dark nights, with Axes, Saws, Bills, Carts and Horses, and in going and coming Rob honest people of their sheep, lambs and poultry. . .”<sup>1</sup> Such persons appear again and again in criminal records, estate correspondence, pamphlet and press; they appear still, in the 1790s, in the agricultural county surveys; they cannot have been wholly a ruling-class invention.

Thus the independence of labour (and small master) from clientage was fostered on the one hand by the translation of non-monetary “favours” into payments; and on the other by the extension of trade and industry on the basis of the multiplication of many small units of production, with much by-employment (especially spinning) coincident with many continuing forms of petty land tenure (or common right) and many casual demands for manual labour. This is an indiscriminate picture, and deliberately so. Economic historians have made many careful discriminations between different groups of labourers. But these are not relevant to our present enquiry. Nor were these discriminations commonly made by commentators from among the gentry when they considered the general problem of the “insubordination” of labour. Rather, they saw beyond the park gates, beyond the railings of the London mansion, a blur of indiscipline — the “idle

<sup>1</sup>Memorial of John Hale, Clerk of Enfield manor court, to George II n.d. Cambridge Univ. Lib., Cholmondeley (Houghton) MSS, 45/40.



and disorderly", "the mob", "the poor", the "populace" — and they deplored —

their open scoffings at all discipline, religious as well as civil: their contempt of all order, frequent menace to all justice, and extreme promptitude to tumultuous risings from the slightest motives.<sup>1</sup>

It is, as always, an indiscriminate complaint against the populace as a whole. Free labour had brought with it a weakening of the old means of social discipline. So far from a confident patriarchal society, the eighteenth century sees the old paternalism at a point of crisis.

#### IV

And yet one feels that "crisis" is too strong a term. If the complaint continues throughout the century that the poor were indisciplined, criminal, prone to tumult and riot, one never feels, before the French Revolution, that the rulers of England conceived that their whole social order might be endangered. The insubordination of the poor was an inconvenience; it was not a menace. The styles of politics and of architecture, the rhetoric of the gentry and their decorative arts, all seem to proclaim stability, self-confidence, a habit of managing all threats to their hegemony.

We may of course have overstated the crisis of paternalism. In directing attention to the parasitism of the State at the top, and the erosion of traditional relations by free labour and a monetary economy at the bottom, we have overlooked intermediate levels where the older economic household controls remained strong, and we have perhaps understated the scale of the "subject" or "client" areas of the economy. The control which men of power and money still exercised over the whole life and expectations of those below them remained enormous, and if paternalism was in crisis, the industrial revolution was to show that its crisis must be taken several stages further — as far as Peterloo and the Swing Riots — before it lost all credibility.

<sup>1</sup> *Herald, or Patriot-Proclaimer*, 24 September 1757. Even within the park gates the gentry complained of indiscipline. Thus, the servants in the great house were accused of intimidating house-guests by lining the hall on their departure and demanding tips or "vails": see *A Letter from a Gentleman to his Friend, concerning the Custom of Giving and Taking Vails* (1767).

Nevertheless, the analysis allows us to see that ruling-class control in the eighteenth century was located primarily in a cultural hegemony, and only secondarily in an expression of economic or physical (military) power. To say that it was "cultural" is not to say that it was immaterial, too fragile for analysis, insubstantial. To define control in terms of cultural hegemony is not to give up attempts at analysis, but to prepare for analysis at the points at which it should be made: into the images of power and authority, the popular mentalities of subordination.

Defoe's fictional cloth worker, called before the magistrate to account for default, offers a clue: "not *my Master*, and't please your Worship, I hope I am *my own Master*". The deference which he refuses to his employer overflows in the calculated obsequiousness to "your Worship". He wishes to struggle free from the immediate, daily, humiliations of dependency. But the larger outlines of power, station in life, political authority, appear to be as inevitable and irreversible as the earth and the sky. Cultural hegemony of this kind induces exactly such a state of mind in which the established structures of authority and modes of exploitation appear to be in the very course of nature. This does not preclude resentment or even surreptitious acts of protest or revenge; it does preclude affirmative rebellion.

The gentry in eighteenth-century England exercised this kind of hegemony. And they exercised it all the more effectively since the relation of ruler to ruled was very often not face-to-face but indirect. Absentee landowners, and the ever-present mediation of stewards and bailiffs apart, the emergence of the three-tier system of landowner, tenant farmer and landless labourer, meant that the rural labourers, in the mass, did not confront the gentry as employers nor were the gentry seen to be in any direct sense responsible for their conditions of life; for a son or daughter to be taken into service at the great house was seen to be, not a necessity, but a favour.

And in other ways they were withdrawn from the polarities of economic and social antagonism. When the price of food rose, the popular rage fell not on the landowners but upon middlemen, forestallers, millers. The gentry might profit from the sale of wool, but they were not seen to be in a direct



exploitive relation to the clothing workers.<sup>1</sup>

In the growing industrial areas, the gentlemen JP frequently lived withdrawn from the main industrial centres, at his country seat, and he was at pains to preserve some image of himself as arbitrator, mediator or even protector of the poor. It was a common view that "whenever a tradesman is made a justice a tyrant is created".<sup>2</sup> The poor laws, if harsh, were not administered directly by the gentry; where there was blame it could fall upon the poor-rate-paring farmers and tradesmen from among whom the overseers came. Langhorne presents the idealized paternalist picture; exhorting the country justice to —

... bend the brow severe  
On the sly, pilfering, cruel overseer;  
The shuffling farmer, faithful to no trust,  
Ruthless as rocks, insatiate as the dust.  
When the poor hind, with length of years decay'd,  
Leans feebly on his once subduing spade,  
Forgot the service of his abler days,  
His profitable toil, and honest praise,  
This slave, whose board his former labours spread!<sup>3</sup>

And, once again, at least a ghostly image of paternal responsibilities could be maintained at very little real outlay in effort. The same JP who in his own closed parish aggravated the problems of poverty elsewhere, by refusing settlements and by pulling down the cottages on the common, could at quarter sessions, by granting the occasional appeal against the overseers of other open parishes, or by calling to order the corrupt workhouse master, place himself above the lines of battle.

We have the paradox that the credibility of the gentry as

<sup>1</sup>Even in the West of England, where clothiers were becoming gentlemen, a strong sense of distinction was still felt in the first half of the century. An "Englishman" wrote to Lord Harrington in 1738, to complain of "the contrivances and pride of the clothiers, as living in luxury, neglecting their business, trusting servants with the care of their affairs", "beating down the wages of the poor", and paying them in truck. The remedy (he suggested) lay in a commission of enquiry made up of "men of great fortunes", who would be sufficiently independent to attend to the evidence of poor weavers: PRO, SP 36.47.

<sup>2</sup>*Ibid.*

<sup>3</sup>Langhorne, *The Country Justice* (1774).

paternalists arose from the high visibility of certain of their functions, and the low visibility of others. A great part of the gentry's appropriation of the labour value of "the poor" was mediated by their tenantry, by trade or by taxation. Physically they withdrew increasingly from face-to-face relations with the people in village and town. The rage for deer parks and the threat of poachers led to the closure of rights of way across their parks and their encirclement with high palings or walls; landscape gardening, with ornamental waters and fish ponds, menageries and valuable statuary, accentuated their seclusion and the defences of their grounds, which might be entered only through the high wrought-iron gates, watched over by the lodge. The great gentry were defended by their bailiffs from their tenants, and by their coachmen from casual encounters. They met the lower sort of people mainly on their own terms, and when these were clients for their favours; in the formalities of the bench; or on calculated occasions of popular patronage.

But in performing such functions their visibility was formidable, just as their formidable mansions imposed their presence, apart from, but guarding over, the village or town. Their appearances have much of the studied self-consciousness of public theatre. The sword was discarded, except for ceremonial purposes; but the elaboration of wig and powder, ornamented clothing and canes, and even the rehearsed patrician gestures and the hauteur of bearing and expression, all were designed to exhibit authority to the plebs and to exact from them deference. And with this went certain significant ritual appearances: the ritual of the hunt; the pomp of assizes (and all the theatrical style of the law courts); the segregated pews, the late entries and early departures, at church. And from time to time there were occasions for an enlarged ceremonial, which had wholly paternalist functions: the celebration of a marriage, a coming-of-age, a national festival (coronation or jubilee or naval victory), the almsgiving to the poor at a funeral.<sup>1</sup>

<sup>1</sup>As one example, on the marriage of Sir William Blacket with Lady Barbara Vilers, in 1725, much of Northumberland was enlisted in the celebrations. At Newcastle there were bonfires for two days, and the sounding of bells and guns. The great bell at Hexham burst with the



We have here a studied and elaborate hegemonic style, a theatrical role in which the great were schooled in infancy and which they maintained until death. And if we speak of it as theatre, it is not to diminish its importance. A great part of politics and law is always theatre; once a social system has become "set", it does not need to be endorsed daily by exhibitions of power (although occasional punctuations of force will be made to define the limits of the system's tolerance); what matters more is a continuing theatrical style. What one remarks of the eighteenth century is the elaboration of this style and the self-consciousness with which it was deployed.

The gentry and (in matters of social intercourse) their ladies judged to a nicety the kinds of conspicuous display appropriate to each rank and station: what coach, how many footmen, what table, even what proper reputation for "liberality". The show was so convincing that it has even misled historians; one notices an increasing number of references to the "paternal responsibilities" of the aristocracy, upon which "the whole system rested". But we have so far noted gestures and postures rather than actual responsibilities. The theatre of the great depended not upon constant, day-by-day attention to responsibilities (except in the supreme offices of State, almost every function of the eighteenth-century aristocracy, and many of those of the higher gentry and clergy, was held as a quasi-sinecure, whose duties were farmed out to a subordinate) but upon occasional dramatic interventions: the roasted ox, the prizes offered for some race or sport, the liberal donation to charity in time of dearth, the application for mercy, the proclamation against forestallers. It is as if the illusion of paternalism was too fragile to be risked to more sustained exposure.

The occasions of aristocratic and gentry patronage certainly deserve attention: this social lubricant of gestures could only too easily make the mechanisms of power and exploitation revolve more sweetly. The poor, habituated to their

---

boisterous ringing. At Wellington the crags were illuminated, and a large punchbowl cut in the rock, and filled with liquor, &c, *Newcastle Weekly Courant*, 2 October, 1725.

irrevocable station, have often been made accessories, through their own good nature, to their own oppression: a year of short commons can be compensated for by a liberal Christmas dole. Their rulers were well aware of this. A contributor to the *London Magazine* commented: "Dancing on the Green at Wakes and merry Tides should not only be indulg'd but encourag'd: and little Prizes being allotted for the Maids who excel in a Jig or Hornpipe, would make them return to their daily Labour with a light Heart and grateful Obedience to their Superiors."<sup>1</sup>

But such gestures were calculated to receive a return in deference quite disproportionate to the outlay, and they certainly don't merit the description of "responsibilities". These great agrarian bourgeois evinced little sense of public, or even corporate, responsibility. The century is not noted for the scale of its public buildings but for that of its private mansions; and is as much noted for the misappropriation of the charities of previous centuries as for the founding of new ones.

One public function the gentry assumed wholly as their own: the administration of the law, the maintenance, at times of crisis, of public order. At this point they became magisterially and portentously visible. Responsibility this certainly was, although it was a responsibility, in the first and in the second place, to their own property and authority. With regularity and with awful solemnity the limits of tolerance of the social system were punctuated by London's hanging days; by the corpse rotting on the gibbet beside the highway; by the processional of Assizes. However undesirable the side-effects (the apprentices and servants playing truant from service, the festival of pickpockets, the acclamation of the condemned) the ritual of public execution was a necessary concomitant of a system of social discipline where a great deal depended upon theatre.

In the administration of justice there were gestures also, which partake of the general studied paternalist style. Notably, in the exercise of the prerogative of mercy the aristocracy and great gentry could make evident their degree

---

<sup>1</sup> *London Magazine*, viii, 1738, pp. 139-40. My thanks to Robert Malcolmson.



of interest by furthering or refusing to further intercession for the condemned. And, as Douglas Hay has shown, to share, even indirectly, in the powers of life and death greatly enlarged their hegemonic charisma.<sup>1</sup> The exercise of power of life and death could, on occasion, be arranged to the last detail. The duke of Montagu was writing in 1728 to the duke of Newcastle concerning "my man John Potter", who had been condemned to death for stealing the duke's hangings. Montagu desired that Potter might be transported for life instead of being executed: "I have talked with the Recorder about it, who when the Report is made tomorrow of the Condemned Malefactors at Council, will propose that he may be inserted in the dead warrant, but at the same tyme there may be a Reprieve for him, which he is to know nothing of till the Morning of Execution." Three days later Montagu wrote anxiously to make sure that the letter of reprieve would arrive in time, for if Newcastle were to forget it "he'll be hanged and if he is I had as good be hanged with him, for the Ladys of my famelly give me little rest to save him. . ." The king's role in this exercise of the prerogative of mercy seems to have been fictional.<sup>2</sup>

In any case, one is dubious as to how far it is useful to describe the function of protecting their own property and social order as "paternalist". Certainly, this function exacted little evidence of filial loyalty either from their victims or from the crowds around the gallows.<sup>3</sup> A century which

<sup>1</sup>Douglas Hay, "Property, Authority and the Criminal Law", in Hay *et al.*, *Albion's Fatal Tree* (1975).

<sup>2</sup>Montagu to Newcastle, 19 & 22 March 1727/8, PRO, SP 36.5, fos. 218-9, 230-1.

<sup>3</sup>See Peter Linebaugh, *The London Hanged*, *op. cit.* Thomas Laquer's assertion that the authorities had no "authorial" control over the executions is supported by anecdotal evidence of the *Newgate Calendar* kind (examples of cock-ups at Tyburn, sedulously copied in popular chronicles) but not by research into the sources (state papers, legal and military papers, etc.) relevant to such a judgement. Executions were not, as Laquer supposes, "more risible than solemn", and to present the Tyburn crowd as a "carnival crowd" is both to misunderstand the crowd and to libel "carnival". Hanging days at Tyburn often enacted a conflict between alternative authorial scripts — that of the authorities and that of a resentful or brutalised Tyburn crowd. That sort of execution crowd was an *execution crowd* (and a carnival nothing). It was one of the most brutalised phenomena in history and historians ought to say so: see Laquer,

added more than one hundred new capital offences to the statute book had a stern (or flippant) view of fatherhood.

## V

If the great were withdrawn so much, within their parks and mansions, from public view, it follows that the plebs, in many of their activities, were withdrawn also from them. Effective paternal sway requires not only temporal but also spiritual or psychic authority. It is here that we seem to find the system's weakest link.

It would not be difficult to find, in this parish or in that, eighteenth-century clergy fulfilling, with dedication, paternalist functions. But we know very well that these are not characteristic men. Parson Adams is drawn, not to exemplify the practices of the clergy, but to criticize them; he may be seen, at once, as the Don Quixote of the eighteenth-century Anglican Church. The Church was profoundly Erastian; had it performed an effective, a psychologically compelling paternalist role, the Methodist movement would have been neither necessary nor possible.

All this could no doubt be qualified. But what is central to our purpose is that the "magical" command of the Church and of its rituals over the populace, while still present, was becoming very weak. In the sixteenth and seventeenth centuries, Puritanism had set out to destroy the bonds of idolatry and superstition — the wayside shrines, the gaudy churches, the local miracle cults, the superstitious practices, the confessional priesthood — which, as one may still see in Ireland or in parts of southern Europe today, can hold the common people in awe. The Restoration could not restore a tissue of papist idolatry for which, in any case, England had never been notably disposed. But the Restoration did loosen the new bonds of discipline which Puritanism had brought in its place. There can be little doubt that the early eighteenth century witnessed a great recession in Puritanism, and the

"Crowds, carnival and the state in English executions, 1604-1868", in Beier *et al.*, *The First Modern Society* (Cambridge, 1989). At times the crowd could express other kinds of solidarity with the condemned: see Linebaugh, "The Tyburn Riots against the Surgeons", in Hay *et al.*, *op. cit.*



diminution in the size of the popular Puritan following even in those artisan centres which had nourished the Civil War sects. In the result, there was an accession of freedom, although of a negative kind, to the poor — a freedom from the psychic discipline and moral supervision of priesthood or of presbyters.

A priesthood with active pastoral care has usually found ways of co-existing with the pagan or heretical superstitions of its flock. However deplorable such compromises may appear to theologians, the priest learns that many of the beliefs and practices of "folklore" are harmless; if attached to the calendar year of the Church they can be to that degree Christianized, and can serve to reinforce the Church's authority. The forgers of the shackles of Holy Church, Brand — the pioneer of folklore — remarked, "had artfully enough contrived to make them sit easy, by twisting Flowers around them. . . A profusion of childish Rites, Pageants, and Ceremonies diverted the attention of the people from the consideration of their real state, and kept them in humour. . ."<sup>1</sup> What matters most is that the Church should, in its rituals, command the rites of passage of personal life, and attach the popular festivals to its own calendar.

The Anglican Church of the eighteenth century was not a creature of this kind. It was served not by priests but by parsons. It had, except in unusual instances, abandoned the confessional. It recruited few sons of the poor into the priesthood. When so many priests served as temporal magistrates and officered the same law as the gentry, they could scarcely present themselves convincingly as the agents of an alternative spiritual authority. When bishops were political appointments, and when the cousins of the gentry were placed in country livings, where they enlarged their vicarages and adopted the gentry's style of life, it was only too evident from what source the Church's authority was derived.

Above all, the Church lost command over the "leisure" of the poor, their feasts and festivals, and, with this, over a large area of plebeian culture. The term "leisure" is, of course, itself anachronistic. In rural society where small farming and

<sup>1</sup> John Brand and Henry Ellis, *op. cit.*, Vol. I, p. xvii.

the cottage economy persisted, and in large areas of manufacturing industry, the organization of work was so varied and irregular that it is false to make a sharp distinction between "work" and "leisure". On the one hand, social occasions were intermixed with labour — with marketing, sheep shearing and harvesting, fetching and carrying the materials of work, and so on, throughout the year. On the other hand, enormous emotional capital was invested, not piecemeal in a succession of Saturday nights and Sunday mornings, but in the special feasts and festival occasions. Many weeks of heavy labour and scanty diet were compensated for by the expectation (or reminiscence) of these occasions, when food and drink were abundant, courtship and every kind of social intercourse flourished, and the hardship of life was forgotten. For the young, the sexual cycle of the year turned on these festivals. These occasions were, in an important sense, what men and women lived for; and if the Church had little significant part in their conduct, then it had, to that degree, ceased to engage with the emotional calendar of the poor.

One can see this in a literal sense. While the old saints' days were scattered liberally across the calendar, the Church's ritual calendar concentrated events into the months of light demands upon labour, from the winter to the spring, from Christmas to Easter. While the people still owed tribute to the last two dates, which remained as days of maximum communion, the eighteenth-century calendar of popular festivity coincides closely with the agrarian calendar. The village and town feasts for the dedication of churches — or wakes — had not only moved from the saints' days to the adjacent Sunday, but in most cases they had also been removed (where necessary) from the winter to the summer solstice. In about 1730, the antiquarian, Thomas Hearne, made a note of the feast day of 132 villages or towns in Oxfordshire or on its borders. All fell between May and December; 84 (or more than three-fifths) fell in August and September; no fewer than 43 (or almost one-third) fell in the last week of August and the first week of September (old-style calendar). Apart from a significant group of some twenty, which fell between the end of June and the end of July, and which in a normal year might be expected to fall



between the end of the hay harvest and the commencement of the cereal harvest, the weight of the emotional festive calendar fell in the weeks immediately after the harvest was gathered in.<sup>1</sup>

Dr Malcolmson has reconstructed a calendar of feasts for Northamptonshire in the later eighteenth century which shows much the same incidence.<sup>2</sup> Along with the secularization of the calendar goes a secularization of the style and the function of the occasions. If not pagan, then new secular functions were added to old ritual; the publicans, hucksters and entertainers encouraged, with their numerous stalls, the feasts when their customers had uncustomary harvest earnings in their pockets; the village charity and benefit clubs took over the old church ales of Whitsuntide. At Bampton Whit-Monday's club feast included a procession with drum and piper (or fiddler), morris dancers, a clown with a bladder who carried the "treasury" (a money box for contributions), a sword bearer with a cake. There was, of course, no crucifix, no priest or nuns, no images of virgin or saints: their absence is perhaps too little noticed. Not one of the 17 songs or melodies recorded had the least religious association:

Oh, my Billy, my constant Billy,  
When shall I see my Billy again?  
When the fishes fly over the mountain,  
Then you'll see your Billy again.<sup>3</sup>

Bampton, that living museum of folklore, was not an isolated rural village, but a sturdy centre of the leather industry; just as the Middleton and Ashton of Bamford's boyhood were centres of domestic industry. What is manifest, in many such districts, and in many rural regions also in the eighteenth century, is that one could never for a moment sustain the view which (for example) Paul Bois is able to assert of the eighteenth-century French peasant of the West, that "c'était l'église, à l'ombre de laquelle se nouaient toutes les relations".<sup>4</sup> Of course, the religious and the

<sup>1</sup>Bodleian Library, MSS Hearne's diaries, p. 175.

<sup>2</sup>R. W. Malcolmson, "Popular Recreations in English Society, 1700-1850", (Ph. D. thesis, Univ. of Warwick, 1970), pp. 11-17.

<sup>3</sup>P. H. Ditchfield, *Old English Customs* (1896), p. 125.

<sup>4</sup>Paul Bois, *Paysans de l'Ouest* (Paris, 1960), p. 307.

secular (or pagan) had co-existed uneasily, or conflicted, for centuries: the Puritans were concerned to keep morris dancers out of the church, and huckster's stalls out of the church-yard. They complained that church ales were defiled by animal baiting, dancing, and all manner of "lewdness". But there remains a sense in which the Church was the hub around which the spokes of this popular tradition turned; and the Stuart Book of Sports sought to confirm this relationship against Puritan attack. In the eighteenth century, the agrarian seasonal calendar was the hub and the Church provided none of the moving force. It is a difficult change to define but without doubt it was a large one.

The dual experience of the Reformation and of the decline in Puritan presence left a remarkable disassociation between the polite and the plebeian culture in post-Restoration England. Nor should we underestimate the creative culture-forming process from below. Not only the obvious things — folk songs, trades clubs and corn dollies — were made from below, but also interpretations of life, satisfactions and ceremonials. The wife sale, in its crude and perhaps exotic way, performed a function of ritual divorce both more available and more civilized than anything the polite culture could offer. The rituals of rough music, cruel as they might sometimes be, were no more vengeful and really no more exotic than the rituals of a Special Commission of Oyer and Terminer.

The legend of the revival of "merry England" after the Restoration is one which historians have perhaps been too impatient to examine. Even if some of the more sensational claims are discounted (Defoe, as a good accountant, assures us that 6,325 maypoles were erected in the five years after the Restoration)<sup>1</sup> there is no doubt that there was a general and sometimes exuberant revival of popular sports, wakes, rush bearings and rituals. "Help Lord!" exclaimed the Rev. Oliver Heywood, the ejected minister, when recounting the cockfighting, horse racing and stool-ball endemic in the Halifax district in the 1680s: "Oh, what oaths sworn! What wickedness committed!" And recounting the May Day celebrations of 1680 he had lamented: "There never was such

<sup>1</sup>Defoe, *op. cit.*, p. 62.



work in Halifax above fifty years past. Hell is broke loose."<sup>1</sup>

We are more accustomed to analyse the age in terms of its intellectual history, and to think of the decline of hell. But the breaking loose of this hell of a plebeian culture quite beyond their control was the waking nightmare of surviving Puritans such as Heywood and Baxter. Pagan festivals which the Church had attached to its calendar in the middle ages (although with incomplete success) reverted to purely secular festivities in the eighteenth century. Wake nights came to an end; but the feasts of the following day or week became more robust with each decade. The ceremony of strewing rushes in the churches lingered here and there; but the feasts of rush bearings went from strength to strength. Near Halifax again, the incumbent (a Reverend Witter) attempted to prevent these feasts in 1682, at which festivals (Heywood complained) the people make great provision of flesh and ale, come from all parts, "and eat and drink and rant in a barbarous heathenish manner". Mr Witter's doors were broken down and he was abused as a "cobbler".<sup>2</sup> The rush-bearing ceremony continued in this district for at least a further one hundred and fifty years. But, as in most districts, it had lost any sacred significance. The symbols on the richly-decorated carts became bells and painted pots. The picturesque costumes of the men and the white dresses and garlands of the women appear more and more pagan. The pageants pay a mere passing obeisance to Christian symbolism: Adam and Eve, St George and the Dragon, the Virtues, the Vices, Robin Hood and Maid Marian, hobbyhorses, sweeps on pigs, morris dancers. The festivities ended with baitings, wrestling, dancing and drinking, and sometimes with the tour of the houses of the gentry and of wealthy householders for drink, food and money. "I could not suppress these Bacchanals," wrote the Rev. John William de La Flechere of the Shropshire Wakes: "the impotent dyke I opposed only made the torrent swell and foam, without stopping the course." Moreover, the people had found patrons outside the Church: if La Flechere preached against drunkenness, shows and

<sup>1</sup>J. Horsfall Turner (ed.), *The Rev. Oliver Heywood, B.A.* (Brighouse, 1881), Vol. II, pp. 294, 271.

<sup>2</sup>*Ibid.*, pp. 264, 294.

bullbaiting, "the publicans and malsters will not forgive me. They think that to preach against drunkenness and to cut their purse strings is the same thing."<sup>1</sup>

But the resurgence of this culture cannot be put down to the commercialization fostered by publicans alone. The gentry had means, through Quarter Sessions, to harry these in their licenses if they had wished. This efflorescence of festivities can scarcely have taken place without a permissive attitude on the part of many of the gentry. In one sense, this was no more than the logic of the times. The materialism of the eighteenth-century rich and the Erastianism of their Church were met by the materialism of the poor. The race meetings of the rich became the poor's popular holidays. The permissive tolerance of the gentry was solicited by the many taverns which — as inn signs still proclaim — sought to put themselves under the patronage of the great. The gentry could make no convincing missionary expeditions to reform the manners and morals of the poor if they were unwilling to reform their own ostentatious and pleasant vices.

But as explanation this is not finally convincing. Only a ruling class which feels itself to be threatened is afraid to flaunt a double standard. Mandeville is only unusual in pressing to the point of satire the argument that private vices were public benefits. In more softened form the same argument, as to the valuable function of luxury in providing employment and spectacle for the poor, was part of the economic cant of the time. Henry Fielding could make the same point without satirical intention:

To be born for no other Purpose than to consume the Fruits of the Earth is the Privilege. . . of very few. The greater Part of Mankind must sweat hard to produce them, or Society will no longer answer the Purposes for which it was ordained.<sup>2</sup>

<sup>1</sup>J. Benson, *Life of the Reverend John William de la Flechere* (1805: 1835 edn.), p. 78, describing Madeley Wake in 1761. (My thanks to Barrie Trinder.)

<sup>2</sup>*An Enquiry into the Causes of the Late Increase of Robbers* (1751), in Henry Fielding, *Complete Works* (1967), Vol. xiii, p. 11. Cf. Bernard Mandeville, *The Fable of the Bees* (Penguin edn. 1970), pp. 257, 292-3.



Indeed, we have seen that the conspicuous display of luxury and "liberality" was part of the theatre of the great. In some areas (wages theory, the poor laws, the criminal code), the materialism of the rich consorted without difficulty with a disciplinary control of the poor. But in other areas — the permissive attitude to the robust, unchristian popular culture, a certain caution and even delicacy in the handling of popular disturbance, even a certain flattery extended to the poor as to their liberties and rights — in these areas we are presented with a problem which demands more subtle analysis. It suggests some reciprocity in the relations between rich and poor; an inhibition upon the use of force against indiscipline and disturbance; a caution (on the part of the rich) against taking measures which would alienate the poor too far, and (on the part of that section of the poor which from time to time rallied behind the cry of "Church and King") a sense that there were tangible advantages to be gained by soliciting the favour of the rich. There is some mutuality of relationship here which it is difficult not to analyse at the level of class relationship.

Of course, no one in the eighteenth century would have thought of describing their own as a "one-class society". There were the rulers and the ruled, the high and the low people, persons of substance and of independent estate and the loose and disorderly sort. In between, where the professional and middle classes, and the substantial yeomanry, should have been, relations of clientage and dependency were so strong that, at least until the 1760s, these groups appear to offer little deflection of the essential polarities. Only someone who was "independent" of the need to defer to patrons could be thought of as having full political identity: so much is a point in favour of the "one-class" view. But class does not define itself in political identity alone. For Fielding, the evident division between the high and the low people, the people of fashion and of no fashion, lay like a cultural fissure across the land:

whilst the people of fashion seized several places to their own use, such as courts, assemblies, operas, balls, &c., the people of no fashion, besides one royal place, called his Majesty's Bear-Garden, have been in constant possession of all hops, fairs, revels, &c. . . . So far from

looking on each other as brethren in the Christian language, they seem scarce to regard each other as of the same species.<sup>1</sup>

This is a world of patricians and of plebs; it is no accident that the rulers turned back to ancient Rome for a model of their own sociological order. But such a polarization of class relations doesn't thereby deprive the plebs of all political existence. They are at one side of the necessary equation of the *res publica*.

A plebs is not, perhaps, a working class. The plebs may lack a consistency of self-definition, in consciousness; clarity of objectives; the structuring of class organization. But the political presence of the plebs, or "mob", or "crowd", is manifest; it impinged upon high politics at a score of critical occasions — Sacheverell riots, excise agitation, cider tax, the patriotic and chauvinistic ebullitions which supported the career of the older Pitt, and on to Wilkes and the Gordon Riots and beyond. Even when the beast seemed to be sleeping, the tetchy sensibilities of a libertarian crowd defined, in the largest sense, the limits of what was politically possible. There is a sense in which rulers and crowd needed each other, watched each other, performed theatre and countertheatre to each other's auditorium, moderated each other's political behaviour. This is a more active and reciprocal relationship than the one normally brought to mind under the formula "paternalism and deference".

It is necessary also to go beyond the view that labouring people, at this time, were confined within the fraternal loyalties and the "vertical" consciousness of particular trades; and that this inhibited wider solidarities and "horizontal" consciousness of class. There is something in this, certainly. The urban craftsman retained something of a guild outlook; each trade had its songs (with the implements of the trade minutely described), its chapbooks and legends. So the shoemaker's apprentice might be given by his master *The Delightful, Princely and Entertaining History of the Gentle-Craft*, and there read:

<sup>1</sup> *Ibid.*, p. 164.



... never yet did any know  
 A Shooemaker a Begging go.  
 Kind they are one to another,  
 Using each Stranger as his Brother.

He read this in 1725, and he would have read much the same in the time of Dekker. At times the distinctions of trades were carried over into festival and social life. Bristol, in the early eighteenth century, saw an annual pugilistic combat on Ash Wednesday between the blacksmiths, and the coopers, carpenters and sailors, with the weavers sometimes joining in on the side of the smiths. And in more substantial ways, when defining their economic interests *as producers*, craftsmen and workers — Thames-side coal heavers, London porters, Spitalfields silk weavers, west of England clothing workers, Lancashire cotton weavers, Newcastle keelmen — organized themselves tightly within their trades, and petitioned the State or corporate authorities for their fading paternalist favours.

Indeed, there is substantial evidence on this side; and the degree to which a guild or "trade" outlook and even vestigial continuity of organization contributed to the early trade unions was understated by the Webbs. Brentano, in 1870, had explored the possibility of continuity of organization and of traditions between the guilds and companies and the early trade unions.<sup>1</sup> But the Webbs, in their weighty *History of Trade Unionism* (1894) decreed decisively against Brentano. They did this, partly by insisting on the distinctively new character of trade unionism (in consequence of a sharp split between the interests of masters and journeymen), and partly by imposing definitions which made much eighteenth-century evidence appear to be suspect or irrelevant — for example, the demand that organization must be continuous and must have national dimensions.<sup>2</sup> Such definitions for a long time discouraged further systematic enquiry, either into collective bargaining by direct action<sup>3</sup> or into local and

<sup>1</sup>L. Brentano, *On the History and Development of Guilds and the Origin of Trade Unions* (1870).

<sup>2</sup>Sidney and Beatrice Webb, *The History of Trade Unionism* (1894/1920), chapter 1.

<sup>3</sup>This question was re-opened by E. J. Hobsbawm, "The Machine Breakers", in *Labouring Men* (1964), first published in *Past and Present* in 1952.

regional organization, as of the Newcastle keelmen or west of England clothing workers.

Such studies have multiplied in recent years, and it is now clear that — if there is no record of continuous organization of national unions — there was certainly a continuous tradition of trade union activity throughout the century, and very probably (in clothing districts) continuous local organization and recognised leadership, for actions which sometimes disguised themselves as "rough musics"<sup>1</sup> and sometimes took on the protective masks of friendly societies. Such trade union traditions extend back into the seventeenth century, and I regret that several very helpful recent studies give a contrary impression.<sup>2</sup> Some years ago in the Public Record Office I came upon what may be one of the earliest membership cards of a trade union which has (as yet) been found: it comes from a branch of the journeymen woolcombers at the small town of Alton (Hants) in 1725, although the card is printed in London and the date of formation of the club or "Charity-Stock" is given as 1700. (See plate I.) The woolcombers were being prosecuted (in the court of King's Bench) in consequence of a long-standing dispute extending over several years. Edward and Richard Palmer, clothiers, employed 150 workers in the woollen manu-

<sup>1</sup>For local and community trade union organisation, see Adrian Randall, "The Industrial Moral Economy of the Gloucestershire Weavers in the Eighteenth Century", in John G. Rule (ed.), *British Trade Unionism, 1750-1850* (1988), esp. pp. 29-35.

<sup>2</sup>Thus John Rule's helpful collection on *British Trade Unionism: the Formative Years* takes 1750 as the starting date. C. R. Dobson, *Masters and Journeymen: A prehistory of industrial relations* (1980) covers the dates 1717-1800. See also R. W. Malcolmson's valuable essay, "Workers' combinations in eighteenth-century England", in M. and J. Jacobs (eds.), *The Origins of Anglo-American Radicalism* (1984), p. 160, note 38, gives a weavers' combination in Bristol in 1707. John Rule discusses the question more closely in *The Experience of Labour in Eighteenth-Century Industry* (1981), esp. pp. 151-4. None of these authors seems to mention the extensive organisation of the Essex weavers in Colchester and region which much preoccupied the Privy Council in 1715. When the mayor of Colchester arrested some of their spokesmen, their fellows effected a rescue and "many hundreds of them Marched into Town, all armed with Pistols, Swords, or Clubs. . ." and also with a clear statement of their grievances and demands: see extensive documentation in PRO, PC 1.14. 101 Parts II and III.



factory. Their woolcombers had formed into a Woolcombers Club, fifteen or twenty of whom met at a public house, the "Five Bells". A strike had been called (of seven combers) to enforce apprenticeship regulations and (in effect also) to enforce a "closed shop". Combers were imported to break the strike, and their workshop was twice broken into, their combs and materials burned. Shortly before these events the common seal which had hitherto been used was replaced by a card or "ticket" which entitled the member "to employment or to receive benefitt in all Clothing Towns where the Woolcombers had formed themselves into Clubbs". Strike pay or benefit for leaving an employer paying under rate (under the "By Laws and Orders" of the Club) was five shillings, with which the member must travel to another town. A blackleg woolcomber imported by the Palmers from Wokingham (Berks) deposed that as he passed along the street in Alton he was "often Affronted and Abused", until at length he left the Palmers' employment. Eight of the combers were duly convicted, and the case was given a little national publicity.<sup>1</sup>

This seems to push the date for trade unionism back at least as far as 1700, and all the recognised features of the craft society are already there — the attempt to make a closed shop, the control of apprenticeship, strike benefit, the tramp-ing system. After all, the elaborate processional display of woolcombers, shoemakers, hatters, weavers, etc., on grand civic occasions (such as the Coronation of George III) did not spring out of nowhere. This was the Manchester order of procession:

*The Procession of the Wool-Combers*

Two Stewards with white wands. — A man on horseback in white, with a wool wig and sash, beating a pair of kettle drums. — A band of music. — The Arms of Bishop Blaize displayed on a banner. — The Treasurer and Secretary. — A Page Royal, with a white wand. — Bishop Blaize on horseback, attended by ten pages on foot. — The Members, two and two, with wool wigs, sashes, and cockades of the same. — Two Junior Stewards with each a white wand.

<sup>1</sup>Depositions and examinations in PRO, KB 1.3. The offenders, who must have spent some months in prison, were ordered to pay £80 to the prosecutor (their master): *British Journal*, 19 February 1726; *Newcastle Weekly Courant*, 19 February 1726; *Ipswich-Journal*, 7 August 1725, cited by Malcolmson, *op. cit.*, p. 160 (note 39), p. 157.

Bishop Blaize, the patron saint of woolcombers, was supposed to have invented wool-combing and to have been torn to pieces by the sharp-toothed wool "cards". The combers' society on this occasion recited the lines:

Spectators all that on us now do gaze,  
Behold once more the sons of Bishop Blaize,  
Who here are met in this association,  
To celebrate the King and Queen's C'ronation. . .  
May happy Britain soon enjoy a peace:  
May joy and plenty and our trade increase;  
God save King George the Third; let virtue shine  
Through all the branches of his Royal line.<sup>1</sup>

The Bishop Blaize procession was still being celebrated vigorously in Bradford (Yorks) in 1825. Bishop Blaize is still at the centre of the Kidderminster ticket of 1838 (Plate III).

Such iconography emphasizes an appeal by the early trade unionists to tradition, and an attempt by the journeyman's club or union to take over from the masters' guild or company the representation of the interests of "the Trade". On occasion, the journeymen actually split from the masters' company, as did the hammermen of Glasgow in 1748, who formed their own society, levied contributions, and elected a dean and masters on the pattern of the Masters' Company. There are also several interesting cases of workers' organizations which emerged in close — if antagonistic — relationship to older companies. Perhaps the most consistently militant group of eighteenth-century workers — the Newcastle keelmen — were undoubtedly thoroughly cognisant with the forms of the Company of Hostmen, with whom, indeed, they wrestled for control of their own charitable institutions. The keelmen combined two features not usually found together: on the one hand, they were numerous, subject to a yearly bond, and well-placed to employ the tactics of mass action, strike and intimidation. On the other hand, since a high proportion of their numbers were Scottish, and since the bond did not entitle them to a settlement in Newcastle, it was

<sup>1</sup>*A Particular Account of the Processions of the different Trades, in Manchester, on the day of the Coronation of their Majesties, King George the Third and Queen Charlotte* (September 22, 1761), single sheet folio, Manchester Ref. Lib.



in their interests to provide systematically for sickness, injury and old age.<sup>1</sup>

The Webbs may have been right to have demolished some of the romantic myths abroad in the 1880s and 1890s — myths which were fostered by some trade unionists themselves — as to the origin of trade unions in guilds. But what they understated was the notion of “the Trade”; and also the way in which, from the late seventeenth century, the demand for the enforcement of the apprenticeship clauses of the Statute of Artificers became a demand which, increasingly, the journeymen sought to turn to their own advantage, and hence which served as a bridge between the old forms and the new. Brentano was perhaps right when he declared: “trade unions originated with the non-observance of 5 Eliz. c. 4.” From the sixteenth century to the early nineteenth century there is evidence of the continuity of these craft and trade traditions in the pottery, friendly society insignia, the emblems and mottos of early unions, and in the chapbooks and verses designed for each trade. This appeal to legitimacy and to precedent (in the Statute of Artificers) can be found in some Essex verses of the late seventeenth century:

From such as would our rights invade,  
Or would intrude into our trade,  
Or break the law Queen Betty made,  
Liberate nos Domine.<sup>2</sup>

They are also found in an “Ode to the Memory of Queen Elizabeth” which prefaces a report of a trial of a cause of apprenticeship involving the London saddlers in 1811:

Her memory still is dear to journey men,  
For shelter'd by her laws, now they resist  
Infringements, which would else persist:  
Tyrannic masters, innovating fools  
Are check'd, and bounded by her glorious rules.  
Of workmen's rights she's still a guarantee. . .

<sup>1</sup> J. M. Fewster, “The Keelmen of Tyneside in the Eighteenth Century”, *Durham University Journal*, n.s. Vol. 19, 1957-8.

<sup>2</sup> *HMC Var. Coll.* (1913), p. 581.

And rights of artizans, to fence and guard,  
While we, poor helpless wretches, oft must go  
And range this liberal nation to and fro.<sup>1</sup>

Indeed, we may have one record of the actual moment of transition from guild to union, in the diary of a Coggeshall weaver, which contains the rules of the Company of Clothiers, Fullers, Baymakers, and New Drapers of Coggeshall (?1659-1698), followed by those transmitted from the Company to a short-lived “Combers’ Purse”, clearly a local club, formed “that we may show that love we have to our trade, and one to another for trade sake”.<sup>2</sup>

The sense of trade solidarities, thus, could be strong. But to suppose that such trade fraternity was necessarily at odds with larger objectives or solidarities is quite false. The trade consciousness of London craftsmen in the 1640s did not inhibit support for John Lilburne. What trade consciousness may inhibit is economic solidarities between different groups of producers as against their employers; but if we lay aside this anachronistic postulate, we will find among eighteenth-century working men and women abundant evidence of horizontal solidarities and consciousness. In the scores of occupational lists which I have examined of food rioters, turnpike rioters, riots over libertarian issues or enclosure of urban commons, it is clear that solidarities were not segregated by trade; in a region where clothing workers, tinnners or colliers are predominant, these obviously predominate in the lists of offenders, but not to the exclusion of other working occupations. I hope to have shown, in another place, that all these groups, during food riots, shared a common consciousness — ideology and objectives — as petty consumers of the necessities of life. But these people were consumers also of cultural values, of libertarian rhetoric, of patriotic and xenophobic prejudice; and on these issues they could exhibit solidarities as well. When, in the quiet 1750s, Princess Amelia tried to close access to Richmond New Park, she was opposed by a vigorous horizontal consciousness

<sup>1</sup> *Report of the Trial of Alexander Wadsworth against Peter Laurie before Lord Ellenborough, 18 May 1811* (1811), in Columbia Univ. Lib., Seligman Collection, Place Vol. xii.

<sup>2</sup> *HMC Var. Coll.* VIII (1913), pp. 578-584.



which stretched from John Lewis, a wealthy local brewer, to Grub Street pamphleteers, and which embraced the whole local "populace" (pp. 111-114). When, in 1799, the magistrates attempted to put down Shrove Tuesday football in the streets of Kingston, it was "the populace" and "the mob" who assembled and triumphantly defied their orders.<sup>1</sup> The mob may not have been noted for an impeccable consciousness of class; but the rulers of England were in no doubt at all that it was a horizontal sort of beast.

## VI

Let us take stock of the argument to this point. It is suggested that, in practice, paternalism was as much theatre and gesture as effective responsibility; that so far from a warm, household, face-to-face relationship we can observe a studied technique of rule. While there was no novelty in the existence of a distinct plebeian culture, with its own rituals, festivals, and superstitions, we have suggested that in the eighteenth century this culture was remarkably robust, greatly distanced from the polite culture, and that it no longer acknowledged, except in perfunctory ways, the hegemony of the Church. As dialect and polite speech drifted apart, so the distance widened.

This plebeian culture was not, to be sure, a revolutionary nor even a proto-revolutionary culture (in the sense of fostering ulterior objectives which called in question the social order); but one should not describe it as a deferential culture either. It bred riots but not rebellions: direct actions but not democratic organizations. One notices the swiftness of the crowd's changes in mood, from passivity to mutiny to cowed obedience. We have this in the satirical ballad of the "Brave Dudley Boys":

<sup>1</sup> Messrs Bytterwood, Cook, and Bradshaw to duke of Portland, 24 February 1799, PRO, HO 42.46. The magistrates complained that the military (at Hampton Court) failed to support them in suppressing the football or in enforcing the Riot Act, the officer-in-command absenting himself (despite prior notice). The duke of Portland annotated the complaint: "These Gent<sup>l</sup> don't appear to have managed this business as well as they might but their credit, as Magistrates, makes it necessary that care sh<sup>d</sup> be taken of them."

We bin marchin' up and deown  
 Wo boys, wo  
 Fur to pull the Housen deown  
 And its O the brave Doodley boys  
 Wo boys, Wo  
 It bin O the brave Doodley boys, Wo!  
 Some gotten sticks, some gotten steavs  
 Wo boys, wo  
 Fur to beat all rogues and kne-avs. . .

But the riot reaches its appointed limit, and —

. . . the Dra-gunes they did come,  
 And twas devil take the hoindmost wum.  
 We all ran down our pits  
 Wo boys, wo  
 We all ran down our pits  
 Frietened a' most out of our wits  
 And its O the brave Doodley boys. . .

And thence to the reassertion of deference:

God Bless Lord Dudley Ward  
 Wo boys, wo  
 He know'd as times been hard  
 He called back the sojermen  
 Wo boys, wo  
 And we'll never riot again. . .<sup>1</sup>

It is easy to characterise this behaviour as child-like. No doubt, if we insist upon looking at the eighteenth century only through the lens of the nineteenth-century labour movement, we will see only the immature, the pre-political, the infancy of class. And from one aspect, this is not untrue: repeatedly one sees pre-figurements of nineteenth-century class attitudes and organization; fleeting expressions of solidarities, in riots, in strikes, even before the gallows; it is tempting to see eighteenth-century workers as an immanent working class, whose evolution is retarded by a sense of the futility of transcending its situation. But the "to-fro lackeying" of the crowd itself has a history of great antiquity:

<sup>1</sup> I have improperly drawn lines from two different versions: Jon Raven, *The Urban and Industrial Songs of the Black Country and Birmingham* (Wolverhampton, 1977) version (b) p. 50, and Roy Palmer (ed.), *Songs of the Midlands* (Wakefield, 1972), p. 88.



the "primitive rebels" of one age might be seen, from an earlier age, to be the decadent inheritors of yet more primitive ancestors. Too much historical hindsight distracts us from seeing the crowd as it was, *sui generis*, with its own objectives, operating within the complex and delicate polarity of forces of its own context.

I have attempted in chapter 4 to reconstruct these crowd objectives, and the logic of the crowd's behaviour, in one particular case: the food riot. I believe that all other major types of crowd action will, after patient analysis, reveal a similar logic: it is only the short-sighted historian who finds the eruptions of the crowd to be "blind". Here I wish to discuss briefly three characteristics of popular action, and then return once again to the context of gentry-crowd relations in which all took place.

First is the anonymous tradition. The anonymous threat, or even the individual terrorist act, is often found in a society of total clientage and dependency, on the other side of the medal of simulated deference. It is exactly in a rural society, where any open, identified resistance to the ruling power may result in instant retaliation — loss of home, employment, tenancy, if not victimization at law — that one tends to find the acts of darkness: the anonymous letter, arson of the stack or outhouse, houghing of cattle, the shot or brick through the window, the gate off its hinges, the orchard felled, the fish-pond sluices opened at night. The same man who touches his forelock to the squire by day — and who goes down to history as an example of deference — may kill his sheep, snare his pheasants or poison his dogs at night.

I don't offer eighteenth-century England as a theatre of daily terror. But historians have scarcely begun to take the measure of the volume of anonymous violence, usually accompanied by anonymous threatening letters.

What these letters show is that eighteenth-century labouring men were quite capable, in the security of anonymity, of shattering any illusion of deference and of regarding their rulers in a wholly unsentimental and unfilial way. A writer from Witney, in 1767, urged the recipient: "do not suffer such damned wheesing fat gutted Rogues to Starve the Poor by such Hellish ways on purpose that they may follow hunting horse racing &c and to maintain their familys in

Pride and extravagance". An inhabitant of Henley-on-Thames, who had seen the volunteers in action against the crowd, addressed himself to "you gentlemen as you are please to call Yourselves — Altho that is your Mistakes — for you are a sett of the most Damnable Rougs that Ever Existed". (An Odiham author, writing on a similar theme in 1800, remarked "we dont care a Dam for them fellows that Call Themselves Gentlemen Soldiers But in our opinion the[y] Look moore like Monkeys riding on Bears".) Sometimes the lack of proper deference comes through merely as a brisk aside: "Lord Buckingham," a handbill writer in Norwich remarked in 1793, "who died the other day had Thirty Thousand Pounds, yeerly For setting his Arse in the House of Lords and doing nothing."<sup>1</sup>

These letters show — and they are dispersed over most parts of England, as well as parts of Wales — that deference could be very brittle indeed, and made up of one part of self-interest, one part of dissimulation, and only one part of the awe of authority. They were part of the countertheatre of the poor. They were intended to chill the spine of gentry and magistrates and mayors, recall them to their duties, enforce from them charity in times of dearth.

This takes us to a second characteristic of popular action, which I have described as countertheatre. Just as the rulers asserted their hegemony by a studied theatrical style, so the plebs asserted their presence by a theatre of threat and sedition. From the time of Wilkes forward the language of crowd symbolism is comparatively "modern" and easy to read: effigy burning, the hanging of a boot from a gallows; the illumination of windows (or the breaking of those without illumination); the untiling of a house which, as Rudé notes, had an almost ritualistic significance. In London the unpopular minister, the popular politician, needed the aid of no pollsters to know their rating with the crowd; they might be pelted with obscenities or chaired in triumph through the streets. When the condemned trod the stage at Tyburn, the audience proclaimed vociferously their assent or disgust with the book.

But as we move backward from 1760 we enter a world of

<sup>1</sup> See my essay, "The Crime of Anonymity", in Hay *et al*, *op. cit.*



theatrical symbolism which is more difficult to interpret: popular political sympathies are expressed in a code quite different from that of the 1640s or of the 1790s. It is a language of ribbons, of bonfires, of oaths and of the refusal of oaths, of toasts, of seditious riddles and ancient prophecies, of oak leaves and of maypoles, of ballads with a political *double-entendre*, even of airs whistled in the streets.<sup>1</sup> We don't yet know enough about popular Jacobitism to assess how much of it was sentiment, how much was substance; but we can certainly say that the plebs on many occasions employed Jacobite symbolism successfully as theatre, knowing well that it was the script most calculated to enrage and alarm their Hanoverian rulers.<sup>2</sup> In the 1720s, when an intimidated press veils rather than illuminates public opinion, one detects underground moods in the vigour with which rival Hanoverian and Stuart anniversaries were celebrated. The *Norwich Gazette* reported in May 1723 that Tuesday last, being the birthday of King George, was observed in the city "with all the usual demonstrations of joy and loyalty":

And Wednesday being the Anniversary of the Happy Restauration of King Charles II, and with him of the royal family, after a too long and successful usurpation of sanctified tyranny, it was celebrated in this city in an extraordinary manner; for besides ringing of bells, firing of guns, and bonfires, the streets were strown with seggs, oaken boughs set up at the doors, and in some streets garlands and pictures hung out, and

<sup>1</sup>For the calendar of popular political symbolism (Jacobite and Hanoverian) see especially Rogers, *Whigs and Cities*, pp. 354-8.

<sup>2</sup>Despite the substantial advances in Jacobite historical studies, the evidence as to the dimensions of popular support remains slippery. An excellent assessment is in Nicholas Rogers, "Riot and Popular Jacobitism in Early Hanoverian England", in Eveline Cruikshanks (ed.), *Ideology and Conspiracy: Aspects of Jacobitism, 1689-1759* (Edinburgh, 1982). Professor Rogers shows that the considerable volume of anti-Hanoverian and Jacobite manifestations (especially between 1714 and 1725) cannot be taken as an indication of organised commitment or of insurrectionary intent but should be considered as symbolic taunting of the Hanoverian rulers — "provocative, defiant, derisory" — and not the less important for that reason. Rogers has developed these insights in *Whigs and Cities*, *passim*, and he speculates (pp. 378-82) on the reasons for the marked decline in the Jacobite sympathies of English urban crowds between 1715 and 1745.

variety of antick and comick dances. . . (with) bumpers to the Glorious Memory of Charles II.

Manifestly disloyal as this was, not only to the King but also to the Great Man in his own county, it provided no handle to the law officers of the Crown.

This was a war of nerves, now satirical, now menacing. The arrows sometimes found their mark. In 1724 the king's ministers were poring over depositions from Harwich where the loyal Hanoverian caucus had been insulted by a most unsavoury rough music:

while the Mayor and other Members of the Corporation were assembled in the Town Hall to Commemorate His Majesty's Most happy accession to the Throne by drinking His Majesty's and other most Loyal Healths, he this Deponent. . . did see from a Window. . . a person dressed up with horns on his head attended by a mob.

This "said Infamous Person", John Hart, a fisherman, was being chaired about the town by one or two hundred others of equal infamy. They were "drumming a ridiculous Tune of Roundheaded Cuckolds &c, and [Hart] came to the Mayor's and this Deponent's door and made signs with his hands intimating that We might kiss his Arse".<sup>1</sup>

If some of the crowd's actions can be seen as counter-theatre, this is by no means true of all. For a third characteristic of popular action was the crowd's capacity for swift direct action. To be one of a crowd, or a mob, was another way of being anonymous, whereas to be a member of a continuing organization was bound to expose one to detection and victimization. The eighteenth-century crowd well understood its capacities for action, and its own art of the possible. Its successes must be immediate, or not at all. It must destroy these machines, intimidate these employers or dealers, damage that mill, enforce from their masters a subsidy of bread, untile that house, before troops came on the scene. The mode is so familiar that I need only recall it to mind with one or two citations from the state papers. At Coventry, 1772:

On Tuesday evening. . . a great Mob to the Number of near 1,000 of the. . . lower class of People. . . assembled by Fife and Beat of Drum on

<sup>1</sup>Examinations and depositions in PRO, SP 44.124, fos. 116-132.



Account, as they pretended, of a Reduction of Wages by. . . one of the principal Ribbon Manufacturers. . . They declared their intention to. . . pull down his House, & to demolish him, if they could meet with him. . . Every gentle Means was made use of. . . to disperse them, but without Effect, and by throwing Stones and breaking his Windows, they began to carry their Purpose into Execution.<sup>1</sup>

In Newcastle-upon-Tyne in 1740, during the triumphant phase of a food riot:

About two on Thursday morning a great number of Colliers and Waggoners, Smiths and other common workmen [the horizontal beast again] came along the Bridge, released the prisoners, and proceeded in great Order through the Town with Bagpipes playing, Drum beating, and Dirty Clothes fixed upon sticks by way of Colours flying. They then increased to some thousands and were in possession of the principal Streets of the Town. The Magistrates met at the Guild Hall and scarce knew what to do.

In the result they panicked, scuffled with the crowd on the Guildhall steps, and fired a volley into it, killing more than one. In retaliation:

Stones flew in among us. . . through the windows like cannon shot. . . at length the mob broke in upon us in the most terrible outrage. They spared our lives indeed but obliged us to quit the place, then fell to plundering and destroying all about 'em. The several benches of justice were immediately and entirely demolished, the Town Clerk's Office was broke open, and all the books, deeds, and records of the town and its courts thrown out of the window.<sup>2</sup>

They broke into the Hutch and took out fifteen hundred pounds, they. . . broke down everything that was ornamental, two very fine capital Pictures of King Charles second and James second. . . they tore, all but the faces. . . and afterwards conducted the Magistrates to their own houses in a kind of Mock Triumph.<sup>3</sup>

Once again, one notes the sense of theatre even in the full flush of rage: the symbolic destruction of the benches of justice, the Clerk's books, the Tory corporation's Stuart portraits, the mock triumph to the magistrates' homes; and

<sup>1</sup>Mayor and Corporation to "My Lord", 7 July, 1772, PRO, WO 40.17.

<sup>2</sup>Mayor of Newcastle-upon-Tyne to duke of Newcastle, 27 June, 1740, PRO, SP 36.51.

<sup>3</sup>Alderman Ridley, "Account of the Riots", Northumberland CRO, 2 RI 27/8.

yet, with this, the order of their processions and the restraint which withheld them (even after they had been fired upon) from taking life.

Of course, the crowd lost its head as often as the magistrates did. But the interesting point is that neither side did this often. So far from being "blind" the crowd was often disciplined, had clear objectives, knew how to negotiate with authority, and above all brought its strength swiftly to bear. The authorities often felt themselves to be faced, literally, with an anonymous multitude. "These men are all tinnerns," a customs officer wrote from St. Austell in 1766 of local smuggling gangs, "seldom seen above ground in the daytime, and are under no apprehensions of being known by us".<sup>1</sup> Where "ringleaders" were detected, it was often impossible to secure sworn depositions. But solidarity rarely went further than this. If taken, the leaders of the crowd might hope for an immediate rescue, within twenty-four hours; if this moment passed, they could expect to be abandoned.

Other features might be noted: but these three — the anonymous tradition; countertheatre; and swift, evanescent direct action — seem of importance. All direct attention to the unitary context of class relationship. There is a sense in which rulers and crowd needed each other, watched each other, performed theatre and countertheatre in each other's auditorium, moderated each other's political behaviour. Intolerant of the insubordination of free labour, nevertheless the rulers of England showed in practice a surprising degree of licence towards the turbulence of the crowd. Is there some deeply embedded, "structural" reciprocity here?

I find the notion of gentry-crowd reciprocity, of the "paternalism-deference equilibrium" in which both parties to the equation were, in some degree, the prisoners of each other, more helpful than notions of a "one-class society" or of consensus or of a plurality of classes and interests. What must concern us is the polarization of antagonistic interests and the corresponding dialectics of culture. There is very articulate resistance to the ruling ideas and institutions of society in the seventeenth and nineteenth centuries: hence historians expect to analyse these societies in some terms of

<sup>1</sup>PRO, WO 1.989.



social conflict. In the eighteenth century resistance is less articulate, although often very specific, direct and turbulent. One must therefore supply the articulation, in part by decoding the evidence of behaviour, and in part by turning over the bland concepts of the ruling authorities and looking at their undersides. If we do not do this we are in danger of becoming prisoners of the assumptions and self-image of the rulers: free labourers are seen as the "loose and disorderly sort", riot is seen as spontaneous and "blind", and important kinds of social protest become lost in the category of "crime". But there are few social phenomena which do not reveal a new significance when exposed to this dialectical examination. The ostentatious display, the powdered wigs and the dress of the great must be seen also — as they were intended to be seen — from below, in the auditorium of the theatre of class hegemony and control. Even "liberality" and "charity" may be seen as calculated acts of class appeasement in time of dearth and calculated extortions (under threat of riot) by the crowd: what is (from above) an "act of giving" is (from below) an "act of getting". So simple a category as "theft" may turn out to be, in certain circumstances, evidence of protracted attempts by villagers to defend ancient common right usages, or by labourers to defend customary perquisites. And following each of these clues to the point where they intersect, it becomes possible to reconstruct a customary popular culture, nurtured by experiences quite distinct from those of the polite culture, conveyed by oral traditions, reproduced by example (perhaps, as the century goes on, increasingly by literate means), expressed by symbolism and in ritual, and at a very great distance from the culture of England's rulers.

I would hesitate before I described this as a *class* culture, in the sense that one can speak of a working-class culture, within which children were socialized into a value-system with distinct class notations, in the nineteenth century. But one cannot understand this culture, in its experiential ground, in its resistance to religious homily, in its picaresque flouting of the provident bourgeois virtues, in its ready recourse to disorder, and in its ironic attitudes towards the law, unless one employs the concept of the dialectical antagonisms, adjustments, and (sometimes) reconciliations, of class.

When analysing gentry-plebs relations one finds not so much an uncompromising ding-dong battle between irreconcilable antagonists as a societal "field-of-force". I am thinking of a school experiment (which no doubt I have got wrong) in which an electrical current magnetized a plate covered with iron filings. The filings, which were evenly distributed, arranged themselves at one pole or the other, while in between those filings which remained in place aligned themselves sketchily as if directed towards opposing attractive poles. This is very much how I see eighteenth-century society, with, for many purposes, the crowd at one pole, the aristocracy and gentry at the other, and until late in the century, the professional and trading groups bound down by lines of magnetic dependency to the rulers, or on occasion hiding their faces in common action with the crowd. This metaphor allows one to understand not only the very frequent riot situation (and its management) but also much of what was possible and also the limits of the possible beyond which power did not dare to go.

I am therefore employing the terminology of class conflict while resisting the attribution of identity to *a* class. It seems to me that the metaphor of a field-of-force can co-exist fruitfully with Marx's comment in the *Grundrisse*, that:

In all forms of society it is a determinate production and its relations which assign every other production and its relations their rank and influence. It is a general illumination in which all other colours are plunged and which modifies their specific tonalities. It is a special ether which defines the specific gravity of everything found in it.<sup>1</sup>

This plebeian culture is, in the end, constrained within the parameters of gentry hegemony: the plebs are ever-conscious of this constraint, aware of the reciprocity of gentry-crowd relations, watchful for points to exert their own advantage. The plebs also take over to their own use some of the gentry's rhetoric. For, once again, this is the century of the advance of "free" labour. And the distinctive feature of the manufacturing system was that, in many kinds of work,

<sup>1</sup> For a slightly different translation, see *Grundrisse* (Penguin, 1973), pp. 106-7. Even here, however, Marx's metaphor relates not to class or social forms, but to co-existent dominant and subordinate economic relations.



labourers (taking petty masters, journeymen and their families together) still controlled in some degree their own immediate relations and modes of work, while having very little control over the market for their products or over the prices of raw materials or food. This explains something of the structure of industrial relations and of protest, as well as something of the culture's artefacts and of its cohesiveness and independence of control.<sup>1</sup> It also explains much of the consciousness of the "free-born Englishman", who took to himself some part of the constitutionalist rhetoric of his rulers, and defended stubbornly his rights at law and his rights to white bread and cheap ale. The plebs were aware that a ruling-class that rested its claim to legitimacy upon prescription and law had little authority to over-rule their own customs and rights.

The reciprocity of these relations underlies the importance of the symbolic expressions of hegemony and of protest in the eighteenth century. That is why I have directed so much attention to the notion of theatre. Of course, every society has its own kind of theatre; much in the political life of contemporary societies can be understood only as a contest for symbolic authority. But I am saying more than that the symbolic contests of the eighteenth century were particular to that century and require more study. I think that symbolism, in that century, had a peculiar importance, owing to the weakness of other organs of control: the authority of the Church is departing, and the authority of the schools and the mass media have not yet arrived. The gentry had four major resources of control — a system of influence and preferment which could scarcely contain the unpreferred poor; the majesty and terror of law; the local exercise of favours and charity; and the symbolism of their hegemony. This was, at times, a delicate social equilibrium, in which the rulers were forced to make concessions. Hence the contest for symbolic authority may be seen, not as a way of acting out ulterior "real" contests, but as a real contest in its own right. Plebeian protest, on occasion, had no further objective than to

<sup>1</sup> I am supporting here the argument of Gerald M. Sider, "Christmas mumming and the New Year in Outport Newfoundland", *Past and Present* (May, 1976).

challenge the gentry's hegemonic assurance, strip power of its symbolic mystifications, or even just to blaspheme. It was a contest for "face", but the outcome of the contest might have material consequences — in the way the poor law was administered, in the measures felt by the gentry to be necessary in times of high prices, in whether Wilkes was imprisoned or freed.

At least we must return to the eighteenth century, giving as much attention to the symbolic contests in the streets as to the votes in the House of Commons. These contests appear in all kinds of odd ways and odd places. Sometimes it was a jocular employment of Jacobite or anti-Hanoverian symbolism, a twisting of the gentry's tail. Dr Stratford wrote from Berkshire in 1718:

Our bumpkins in this country are very waggish and very insolent. Some honest justices met to keep the Coronation day at Wattleton, and towards the evening when their worships were mellow they would have a bonfire. Some bumpkins upon this got a huge turnip and stuck three candles just over Chetwynd's house. . . . They came and told their worships that to honour King George's Coronation day a blazing star appeared above Mr Chetwynd's house. Their worships were wise enough to take horse and go and see this wonder, and found, to their no little disappointment, their star to end in a turnip.<sup>1</sup>

The turnip was of course the particular emblem of George I as selected by the Jacobite crowd, when they were in good humour; in ill-humour he was the cuckold king, and horns would do instead of turnips. But other symbolic confrontations in these years could become very angry indeed. In a Somerset village in 1724 an obscure confrontation (one of a number of such affairs) took place over the erection of a maypole. A local land-owner (William Churchey) seems to have taken down "the Old Maypole", newly dressed with flowers and garlands, and then to have sent two men to the bridewell for felling an elm for another pole. In response his apple and cherry orchard was cut down, an ox was killed and dogs poisoned. When the prisoners were released the pole was re-erected and "May Day" was celebrated with "seditious" ballads and derisory libels against the magistrate. Among those dressing the maypole were two labourers, a maltster, a

<sup>1</sup> HMC, *Portland MSS*, pp. vii, 245-6.



carpenter, a blacksmith, a linenweaver, a butcher, a miller, an inn-keeper, a groom and two gentlemen.<sup>1</sup>

As we pass the mid-century the Jacobite symbolism wanes and the occasional genteel offender (perhaps pushing his own interests under the cover of the crowd) disappears with it.<sup>2</sup> The symbolism of popular protest after 1760 sometimes challenges authority very directly. Nor was symbolism employed without calculation or careful forethought. In the great strike of seamen on the Thames in 1768, when some thousands marched upon parliament, the fortunate survival of a document enables us to see this taking place.<sup>3</sup> At the height of the strike (7 May 1768), when the seamen were getting no satisfaction, some of their leaders went into a dock-side pub and asked the publican to write out in a good hand and in proper form a proclamation which they intended posting on all the docks and river-stairs. The publican read their paper and found "many Treasonable & Rebellious Expressions" and at the bottom "No W-, no K-" (i.e. "No Wilkes, No King"). The publican (by his own account) remonstrated with them:

<sup>1</sup>PRO, KB 2 (I), Affidavits, Easter 10 G I, relating to Henstridge, Somerset, 1724. On George's accession the common people of Bedford "put the May-pole in mourning" and a military officer cut it down. In August 1725 there was an affray about a maypole in Barford (Wilts.), between the inhabitants and a gentleman who suspected the pole had been stolen from his woods (as it probably was). The gentleman summoned a posse to his aid, but the inhabitants won: for Bedford, *An Account of the Riots, Tumults and other Treasonable Practices since His Majesty's Accession to the Throne* (1715), p. 12; for Barford, *Mist's Weekly Journal*, 28 August, 1725.

<sup>2</sup>However, as the maypole episodes remind us, the Tory tradition of paternalism, which looks backward to the Stuart "Book of Sports", and which extends either patronage or a warm permissiveness to the recreations of the people, remains extremely vigorous even into the nineteenth century. This theme is too large to be taken into this chapter, but see R. W. Malcolmson, *Popular Recreations in English Society, 1700-1850* (Cambridge, 1973); Hugh Cunningham, *Leisure in the Industrial Revolution* (1980), chapters one and two.

<sup>3</sup>William L. Clement Library, Ann Arbor, Michigan, *Shelburne Papers*, vol. 133, "Memorials of Dialogues betwixt several Seamen, a certain Victualler, & a S-I Master in the late Riot".

*Publican*: "I beg Gentlemen you would not talk of compulsion or be guilty of the least Irregularity."

*Seamen*: "What do you mean Sir, if we are not speedily redressed there is Ships & Great Guns at Hand which we will use as Occasion shall require in Order to redress Ourselves besides we are determined to unmast every ship in the River & then bid you, & Old England adieu & steer for some other country. . ."

The seamen here were only playing the same game as the legislature with their repeated enactments of capital offences and legislative overkill; both sides to the relation tended to threaten more than they performed. Disappointed by the publican the seamen took their paper to a schoolmaster who undertook this kind of clerical business. Once again the sticking-point was the conclusion to the proclamation — on the right hand "Seamen", on the left hand "No W-, no K-". The schoolmaster had more respect for his own neck than to be the author of such a paper. The following dialogue, by his own account, then ensued, although it is a somewhat unlikely conversation-piece on Shadwell stairs:

*Seamen*: "You're not a Seaman's Friend."

*Schoolmaster*: "Gentlemen I am so much Your Friend that I would by no means be an Instrument of doing you the greatest Injury by Proclaiming you Traitors to our Dread Sovereign Lord the King & raisers of Rebellion & Sedition amongst your fellow subjects and this I humbly conceive to be the Contents of Your Paper. . ."

*Seamen*: "Most of us have ventured our lives in defence of His Majesty's Person, Crown and Dignity and for our native country and on all occasions have attacked the Enemy with courage & Resolution & have been Victorious. But since the conclusion of the War We Seamen have been slighted and our Wages reduced so low & Provisions so Dear that we have been rendered incapable of procuring the common necessities of Life for ourselves & Familys, and to be plain with you if our Grievances is not speedily redressed there is Ships & Great Guns enough at Deptford and Woolwich we will kick up such a Dust in the Pool as the Londoners never see before, so when we have given the Merchants a coup de grease [*sic*] we will steer for France where we are well assured we shall meet with a hearty welcome."

Once again the seamen were disappointed; they exeunt on the line, "do you think such a Body of British seamen is to be dictated by an old Fusty School Master?" Somewhere they found themselves a scribe, but even this scribe refused the full commission. The next morning the proclamation duly



appeared on the river-stairs, signed at the bottom right "Seamen" and on the left. . . "Liberty & Wilkes for ever!"

The point of this anecdote is that at the very height of the seamen's strike the leaders of the movement spent several hours going from pub to schoolmaster to scribe, in search of a writer willing to set down the biggest affront to authority which they could imagine: "No King". The seamen may not have been in any reflective sense republicans; but this was the biggest symbolic "Great Gun" that they could fire off, and if fired with the seeming support of some thousands of British tars it would have been a great gun indeed.<sup>1</sup>

Contrary to cherished legends, England was of course never without a standing army in the eighteenth century.<sup>2</sup> The maintenance of this army, in Walpole's years, was a particular cause of the Hanoverian Whigs. But for purposes of internal control this was often a small and emergency force. It was, for example, seriously over-stretched and inadequate to the needs of the situation during the riot year 1766. The permanent quartering of troops in populous districts was always impolitic. There was always delay, and often delay for several days, between the onset of disturbance and the arrival of the military. The troops, and equally their officers (whose power to act against civilians could be challenged in the courts) found this service "odious".<sup>3</sup> Jealousy of the Crown, seconded by the avarice of the aristocracy, had led to the weakness of all the effective organs for the enforcement of order. The weakness of the State was expressed in an incapacity to use force swiftly, in an ideological tenderness towards the liberties of the subject,

<sup>1</sup>It is not clear whether the seamen who were preparing the handbill were authentic spokesmen for their fellows. Another eye witness of the seamen's demonstrations recorded that "they boasted that they were for King and Parliament": P. D. G. Thomas, "The St. George's Fields 'Massacre' on 10 May 1768", *London Journal*, Vol. 4, no. 2, 1978. See also G. Rudé, *Wilkes and Liberty* (Oxford, 1962), p. 50; Brewer, *op. cit.*, p. 190; W. J. Shelton, *English Hunger and Industrial Disorders* (1973), pp. 188, 190.

<sup>2</sup>See John Brewer, *The Sinews of Power*, *op. cit.*, pp. 44-55.

<sup>3</sup>See Tony Hayter, *The Army and the Crowd in Eighteenth-Century England* (1978), chapters 2 and 3: also pp. 52-3 *et passim*.

and in a sketchy bureaucracy so riddled with sinecurism, parasitism and clientage that it scarcely offered an independent presence.<sup>1</sup>

Thus the price which aristocracy and gentry paid for a limited monarchy and a weak State was, perforce, the licence of the crowd. This is the central structural context of the reciprocity of relations between rulers and ruled. The rulers were, of course, reluctant to pay this price. But it would have been possible to discipline the crowd only if there had been a unified, coherent ruling class, content to divide the spoils of power amicably among themselves, and to govern by means of their immense command over the means of life. Such cohesion did not, at any time before the 1790s, exist, as several generations of distinguished historical scholars have been at pains to show.

The tensions — between court and country, money and land, factions and families — ran deep. Until 1750 or 1760 the term "gentry" is too indiscriminating for the purposes of our analysis. There is a marked divergence between the Whig and Tory traditions of relations with the crowd. The Whigs, in those decades, were never convincing paternalists.<sup>2</sup> But in the same decades there developed between some Tories and the crowd a more active, consenting alliance. Many small gentry, the victims of land tax and the losers in the consolidation of great estates against the small, hated the courtiers and the moneyed interest as ardently as did the plebs. And from this we see the consolidation of the specific traditions of Tory paternalism — for even in the nineteenth century, when we think of paternalism, it is Tory rather than Whig which we tend to couple with it. At its zenith, during the reigns of the first two Georges, this

<sup>1</sup>Despite his persuasive case for the strength of the English "fiscal-military state", John Brewer concedes that "armed force was of very limited value in enforcing authority in England": Brewer, *op. cit.*, p. 63.

<sup>2</sup>Although great care was exercised to limit confrontations with the crowd: see Townshend's correspondence with Vaughan, concerning the West of England weavers' riots in January 1726/7, in PRO, SP 44.81 fos. 454-58: "His Majesty is always desirous that the Mildest Ways shou'd be used to quiet these Disturbances"; the employment of soldiers against the weavers is "very much against the King's inclination", "the King wou'd have no gentle ways omitted. . . [to] bring People to temper" etc.



alliance achieved an ideological expression in the theatrical effects of popular Jacobitism.

By the 'fifties this moment is passing, and with the accession of George III we pass into a different climate. Certain kinds of conflict between court and country had so far softened that it is possible to talk of the calculated paternalist style of the gentry as a whole. In times of disturbance, in handling the crowd, one may now forget the distinction between Whig and Tory — at any rate at the level of the practising JP — and one may see the magistracy as a whole as acting within an established tradition. To maintain a hold over the poor they must show themselves to be neither papists nor puritans. They must, at least in gestures, offer themselves as mediators. During episodes of riot, most JPs, of whatever persuasion, hung back from confrontation, preferred to intervene by moral suasion before summoning force. Indeed, the role of the JP in times of riot might almost be reduced to formula: "I was sure that *one Firm* Magistrate could have any day put an end to the Riot," a Quaker merchant wrote to a friend about a sailors' riot in North Shields in 1792:

By first speaking to the Sailors as a Majistrate ought to speak on such an Occasion, and, then put on the Man of feeling and Humanity and promise to lay all their grievances before Parliam'. . .<sup>1</sup>

This stance flowed sometimes from an element of active sympathy for the crowd, especially where the gentry felt themselves to be aggrieved at the profit which middlemen were making out of their own and their tenants' corn. A riot in Taunton in 1753 (Newcastle was informed) had been provoked by "one Burcher who has the town mills, & who instead of corn grinds the poor, in short he is generally thought to deserve punishment, in a legal way, for malpractices of this kind. . ."<sup>2</sup> Earl Poulett, the Lord Lieutenant of Somerset, clearly found men like Burcher to be a damned nuisance. They made work for him and for the bench; and, of course, order must be maintained. A general "rising" or state of riot brought other ill consequences in its

<sup>1</sup> Friends House Library, Gibson MSS, Vol. ii, p. 113. Henry Taylor to James Phillips, 27 November 1792. My thanks to Malcolm Thomas.

<sup>2</sup> British Library, Newcastle MSS, Add. MSS 32, 732, Poulett to Newcastle, 11 July 1753.

train — the crowd became unmannerly, the locus for disloyal speeches and seditious thoughts, "for they will all follow one another sooner than listen to gentlemen when they are once risen". Indeed, on this occasion "at last some of them came to talk a levelling language, viz. they did not see why some should be rich and others poor". (There were even obscure murmurings about aid from France.)

But the maintenance of order was not a simple matter:

The Impunity of those Rioters encouraged. . . subsequent ones. Gentlemen in the Commission are affraid to act, nor is it safe for them as their are no troops at Taunton, Ilminster &c &c only a grass guard. . . at Crewkerne without any officer. But it seems to be in general the disposition of those towns & of these gentlemen to let the spirit subside & not to provoke them for fear of the consequences.

The consequences feared were immediate ones: more damage to property, more disorder, perhaps physical threats to the magistracy. Earl Poulett was clearly in two minds on the matter himself. He would, if so advised by your Grace "get some of the principle Ring leaders convicted," but "the disposition of the town, & neighbouring gentlemen (was) against it." There is in any case, neither here nor in hundreds of similar exchanges in 1740, 1753, 1756, the 1760s and later, any sense that the social order as a whole was endangered: what was feared was local "anarchy", the loss of prestige and hegemony in the locality, relaxing social discipline. It is usually assumed that the matter will, in the end, subside, and the degree of severity to be shown — whether a victim or two should or should not swing from the gallows — was a matter of calculated example and effect. We are back in a theatre once more. Poulett apologized to Newcastle for troubling him with these "little disturbances". A Harwich fisherman giving a lewd Jacobite gesture had worried the king's ministers more than many hundreds of men and women marching about the country thirty years later, demolishing mills and seizing grain.

In such situations there was a practised technique of crowd appeasement. The mob, Poulett wrote,

was appeased. . . by gentlemen going out & desiring to know what they wanted & what they wd have, apprising them of the consequences, & promising them the millers & bakers shd be prosecuted, that they wd



buy up the corn & bring it to market themselves & that they shd have it in small quantities as they wanted it.<sup>1</sup>

But where the crowd offered a more direct threat to the gentry themselves, then the reaction was more firm. In the same year, 1753, West Yorkshire was disturbed by turnpike riots. Henry Pelham wrote to his brother that Mr Lascelles and his turnpike had been directly attacked: "at the head of his own tenants and followers only". Lascelles had met the rioters and "gallantly thrashed them & took 10 prisoners". The Recorder of Leeds had been threatened, "and all the active part of the magistrates with pulling down their houses, and even taking away their lives". Against this, nothing but a maximum display of ruling-class solidarity would suffice:

I have endeavoured to persuade the few gentlemen that I have seen to be themselves more active. . . This affair seems to me of such consequence that I am persuaded nothing can entirely get the better of it but the first persons in the country taking an active part in defence of the laws; for if these people see themselves only overpowered by troops, and not convinced that their behaviour is repugnant to the sense of the first people of this country, when the troops are gone, hostilities will return.<sup>2</sup>

It is a text worth examination. In the first place, it is difficult to recall that it is the Prime Minister of England who is writing, and to the "Home Secretary". What is being discussed appears to be the requisite style of private men of great property in dealing with an offence to their order: the Prime Minister is endeavouring to persuade "the few gentlemen that I have seen" to be more "active". In the second place, the incident illustrates superbly the supremacy of cultural over physical hegemony. Troops afford less security than the reassertion of paternalist authority. Above all, the credibility of the gentry and magistracy must be maintained. At an early stage in disturbance, the plebs should be persuaded *above all* to abandon an insubordinate posture, to couch their demands in legitimate and deferential terms: they should learn that they were likely to get more from a loyal petition than from a riot. But if the authorities failed to persuade the crowd to drop their bludgeons and await redress, then they were willing on occasion to negotiate with

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*, H. Pelham to Newcastle, 7 July 1753.

them under duress; but in such cases it became far more probable that the full and terrible theatre of the Law would later perform its ghastly matinées in the troubled district. Punitive examples must be made, in order to re-establish the credibility of order. Then, once again, the cultural hegemony of the gentry would resume.

## VII

This symbolic contest acquires its significance only within a particular equilibrium of social relations. The plebeian culture cannot be analysed independently of this equilibrium; its definitions are, in some part, antitheses to the definitions of the polite culture. What I have been attempting to show, perhaps repetitiously, is that each element of this society, taken separately, may have precedents and successors, but that when all are taken together they add up to a sum which is more than the sum of the parts: it is a structured set of relations, in which the state, the law, the libertarian ideology, the ebullitions and direct actions of the crowd, all perform roles intrinsic to that system, and within limits assigned by that system, which limits are at the same time the limits of what is politically "possible"; and, to a remarkable degree, the limits of what is intellectually and culturally "possible" also. The crowd, at its most advanced, can rarely transcend the libertarian rhetoric of the radical Whig tradition; the poets cannot transcend the sensibility of the humane and generous paternalist.<sup>1</sup> The furious anonymous letters which spring up from society's lower depths blaspheme against the gentry's hegemony but offer no strategy to replace it.

In one sense this is a rather conservative conclusion, for I am endorsing eighteenth-century society's rhetorical self-image — that the Settlement of 1688 defined its form and its characteristic relations. Given that that Settlement

<sup>1</sup> I do not doubt that there was a genuine and significant paternalist tradition among the gentry and professional groups. But that is a different theme. My theme here is to define the limits of paternalism, and to present objections to the notion that eighteenth-century social (or class) relations were mediated by paternalism, on paternalism's own terms.



established the form of rule for an agrarian bourgeoisie<sup>1</sup> it seems that it was as much that form of State power as it was that mode of production and productive relations which determined the political and cultural expressions of the next hundred years. Indeed that State, weak as it was in some of its bureaucratic and rationalizing functions, was immensely strong and effective as an auxiliary instrument of production in its own right: in breaking open the paths for commercial imperialism, in imposing enclosure upon the countryside, and in facilitating the accumulation and movement of capital, both through its taxing, banking and funding functions and, more bluntly, through the parasitic extractions of its own officers. It is this specific combination of weakness and of strength which provides the "general illumination" in which all colours of that century are plunged; which assigned to the judges and the magistracy their roles; which made necessary the theatre of cultural hegemony and which wrote its paternalist and libertarian script; which afforded to the crowd its opportunity for protest and for pressures; which laid down the terms of negotiation between authority and plebs, and

<sup>1</sup> Professor J. H. Hexter was astonished when I uttered this improper copulation ("agrarian bourgeoisie") at the Davis Center seminar in Princeton in 1976. Perry Anderson was also astonished ten years earlier: "Socialism and pseudo-empiricism", *New Left Review*, xxxv (January-February 1966), p. 8, "A bourgeoisie is based on towns; that is what the word means." See also (on my side of the argument), Genovese, *The World the Slaveholders Made*, p. 249; and a judicious commentary on the argument by Richard Johnson, *Working Papers in Cultural Studies*, xi (Birmingham, Spring 1976). My re-statement of this (somewhat conventional) Marxist argument was made in "The peculiarities of the English", *Socialist Register* (1965), esp. p. 318. Here I emphasise not only the economic logic of agrarian capitalism, but the specific amalgam of urban and rural attributes in the life-style of the eighteenth-century gentry: the watering-places; the London or town season; the periodic urban pasage-rites, in education or in the various marriage markets; and other specific attributes of a mixed agrarian-urban culture. The economic arguments (already ably presented by Dobb) have been reinforced by Brenner, "Agrarian class structure and economic development in pre-industrial Europe", *Past and Present*, lxx, February 1976, esp. pp. 62-8. Additional evidence as to the urban facilities available to the gentry is in Peter Borsay, "The English urban renaissance: the development of provincial urban culture, c. 1680-c. 1760", *Social History*, v (May 1977).

which established the limits beyond which negotiation might not go.

Finally, how far and in what sense do I use the concept of "cultural hegemony"? This can be answered at a practical or at a theoretical level. At a practical level it is evident that the gentry's hegemony over the political life of the nation was effectively imposed until the 1790s. Neither blasphemy nor sporadic episodes of arson call this in question; these do not offer to displace the gentry's rule but only to punish them. The limits of what was politically possible (until the French Revolution) were expressed externally in constitutional forms and, internally, within men's minds, as taboos, limited expectations, and a disposition towards traditional forms of protest, aimed often at recalling the gentry to their paternalist duties.

But it is necessary also to say what this hegemony does *not* entail. It does not entail any acceptance by the poor of the gentry's paternalism upon the gentry's own terms or in their approved self-image. The poor might be willing to award their deference to the gentry, but only for a price. The price was substantial. And the deference was often without the least illusion: it could be seen from below as being one part necessary self-preservation, one part the calculated extraction of whatever could be extracted. Seen in this way, the poor imposed upon the rich some of the duties and functions of paternalism just as much as deference was in turn imposed upon them. Both parties to the question were constrained within a common field-of-force.

In the second place, we must recall once more the immense distance between polite and plebeian cultures, and the vigour of the authentic self-activity of the latter. Whatever this hegemony may have been, it did not develop the lives of the poor and it did not prevent them from defending their own modes of work and leisure, and forming their own rituals, their own satisfactions and view of life. So that we are warned from this against pressing the notion of hegemony too far and into improper areas.<sup>1</sup> Such

<sup>1</sup>In a relevant criticism of certain uses of the concept of hegemony, R. J. Morris notes that it can imply "the near impossibility of the working class or organized sections of that class being able to generate radical. . .



hegemony may have defined the outside limits of what was politically, socially, practicable, and hence influenced the forms of what was practised: it offered the bare architecture of a structure of relations of domination and subordination, but within that architectural tracery many different scenes could be set and different dramas enacted.

Eventually an independent plebeian culture as robust as this might even have nurtured alternative expectations, challenging this hegemony. This is not my reading of what took place, for when the ideological break with paternalism came, in the 1790s, it came in the first place less from the plebeian culture than from the intellectual culture of the dissenting middle class, and from thence it was carried to the urban artisans. But Painite ideas, carried through by such artisans to an ever wider plebeian culture, instantly struck root there; and perhaps the shelter provided by this robust and independent culture enabled them to flourish and propagate themselves, until they gave rise to the great and undeferential popular agitations at the end of the French Wars.

Theoretically I am saying this. The concept of hegemony is immensely valuable, and without it we would be at a loss to understand how eighteenth-century social relations were structured. But while such cultural hegemony may define the limits of what is possible, and inhibit the growth of alternative horizons and expectations, there is nothing determined or automatic about this process. Such hegemony can be sustained by the rulers only by the constant exercise of skill, of theatre and of concession. Second, such hegemony, even when imposed successfully, does not impose an all-embracing view of life; rather, it imposes blinkers, which inhibit vision in certain directions while leaving it clear in others. It can

---

ideas independent of the dominant ideology". The concept implies the need to look to intellectuals for this, while the dominant value system is seen as "an exogenous variable generated independently" of subordinate groups or classes ("Bargaining with hegemony", *Bulletin of the Society for the Study of Labour History*, (Autumn 1977), pp. 62-3). See also Genovese's sharp response to criticisms on this point in *Radical History Review*, Winter 1976-7, p. 98; and T. J. Jackson Lears, "The Concept of Cultural Hegemony", *American Hist. Rev.* xc, 1985.

co-exist (as it did co-exist in eighteenth-century England) with a very vigorous self-activating culture of the people, derived from their own experience and resources. This culture, which may be resistant at many points to any form of exterior domination, constitutes an ever-present threat to official descriptions of reality; given the sharp jostle of experience, the intrusion of "seditious" propagandists, the Church-and-King crowd can become Jacobin or Luddite, the loyal Tsarist navy can become an insurrectionary Bolshevik fleet.

It follows that I cannot accept the view, popular in some structuralist and Marxist circles in Western Europe, that hegemony imposes an all-embracing domination upon the ruled — or upon all those who are not intellectuals — reaching down to the very threshold of their experience, and implanting within their minds at birth categories of subordination which they are powerless to shed and which their experience is powerless to correct. This may perhaps have happened here and there, but not in England, not in the eighteenth century.

## VIII

It may now be helpful to restate, and also to qualify, some parts of this argument. When I first proposed it, in the nineteen-seventies, it was taken by some to have set up a more absolute dichotomy between patricians and plebs, with no intermediate forces of any serious influence, than I had intended. And criticism has turned upon the absence, in my analysis, of any role for the middle class. In such a reading, the emergence of a middle-class presence in the 1790s, and the radicalisation of a large section of the intelligentsia, appears as inexplicable, a *deus ex machina*.<sup>1</sup> And critics have complained of the "dualism" and bleak polarisation which ensues, of my failure to admit the middling orders as historical actors and "the neglect of the role of urban

<sup>1</sup>See Geoff Eley's helpful critique, "Re-Thinking the Political: Social History and Political Culture in 18th and 19th Century Britain", *Archiv für Sozialgeschichte* (Bonn), Band xxi, 1981. Also Eley, "Edward Thompson, Social History and Political Culture", in Harvey J. Kaye and Keith McClelland (eds.), *E. P. Thompson: Critical Perspectives* (Oxford, 1990).



culture and bourgeois dissidence".<sup>1</sup>

I can agree that my bi-polar model may have more relevance to rural, small town and, especially, manufacturing districts expanding beyond any corporate controls (the locus of "proto-industrialisation") than it does to the larger corporate towns and, certainly, to London. It was no part of my intention to diminish the significance of the growth throughout the century, in numbers, wealth and cultural presence, of the middling orders who came (in the terms of Jürgen Habermas<sup>2</sup>) to create and occupy a "public sphere". These include the groups described by John Brewer:

... lawyers, land agents, apothecaries, and doctors: middlemen in the coal, textile, and grain trades: carters, carriers, and innkeepers: booksellers, printers, schoolteachers, entertainers, and clerks: drapers, grocers, druggists, stationers, ironmongers, shopkeepers of every sort: the small masters in cutlery and toy making, or in all the various luxury trades of the metropolis.<sup>3</sup>

The list could be much extended, and should certainly include the comfortable freeholders and substantial tenant farmers. And it is from such middling groups that Eley sees "the emergence and consolidation of a new and self-conscious bourgeois public":

Ultimately related to processes of capitalist development and social transformation. . . processes of urban cultural formation, tendentially supportive of an emergent political identity and eventually linked to regional political networks; a new infra-structure of communications, including the press and other forms of literary production. . . and a new universe of voluntary association; and finally, a regenerate parliamentarism. . .<sup>4</sup>

I can assent to all this. But this emergence and consolidation was a complex process, and a very slow one, eventuating over a hundred years and more. As Professor Cannon has noted:

<sup>1</sup>Linda Colley, "The Politics of Eighteenth-Century British History", *Journal of British Studies*, 24, 1986, O. 366.

<sup>2</sup>Jürgen Habermas, "The Public Sphere", *New German Critique*, 3, Fall 1974.

<sup>3</sup>John Brewer, "English Radicalism in the Age of George III", in J. G. A. Pocock (ed.), *Three British Revolutions* (Princeton, N.J., 1980), p. 333.

<sup>4</sup>Eley, "Re-Thinking the Political", *op. cit.*, p. 438.

Though there is much evidence that merchants and financiers, teachers and journalists, lawyers and architects, shopkeepers and industrialists prospered in Hanoverian England, the questions to be explained seem to me to be almost the opposite of Marxist historiography — not how did they come to control government, but why did they not challenge aristocratic domination until towards the end of the century?<sup>1</sup>

The questions seem to me to be located in the actual historical record and not in any variety of historiography. And they continue to perplex historians of many persuasions. Certainly there were many prefigurements of middle-class "emergence" in urban politics. But, as John Brewer argues, middle-class independence was constantly constrained and brought back within the channels of dependency by the powerful controls of clientage:

The producers of luxury goods — of furniture, carriages, and clothing — retailers of all sorts, those, from prostitutes to dancing masters, who provided services for the rich, all these people (and they constituted a sizeable proportion of the metropolitan workforce) relied for their living on a culture centred upon the Court, Parliament and the London season.<sup>2</sup>

This situation need not induce deference: it could generate resentment and hostility. What it could not do, until the arena of the market became more anonymous, was generate independence.

If we consider the ever-present controls of clientage, of patronage and "interest", we are drawn back to the model of a bi-polar field of force, just as such bi-polar vocabulary was continually in the mouths of the historical actors themselves. Indeed, such a model of the social and political order was an ideological force in its own right. One of the ways in which patricians repelled the admission of the middle class to any share in real power was to refuse their admission to the vocabulary of political discourse. Patrician culture stubbornly resisted any allowance of vitality to the notion of "middle

<sup>1</sup>John Cannon, *Aristocratic Century: the Peerage of Eighteenth-Century England* (Cambridge, 1984), p. ix.

<sup>2</sup>Brewer, *op. cit.*, p. 339. See also Brewer, "Commercialization and Politics", in N. McKendrick, John Brewer, and J. Plumb, *The Birth of a Consumer Society* (Bloomington, 1982).



class" until the end of the century.<sup>1</sup> Moreover, it is an error to suppose that the growth in numbers and wealth of the "middling orders" necessarily modified and softened class polarisation in the society as a whole. In some circumstances it diverted hostilities; as we have seen (above pp. 43-46) the middling groups could serve to screen the landowner or great clothier. But so long as so many of the routes to office, preferment and contracts were controlled by the old and corrupt means of patronage, the growth in the numbers of the middling groups could only intensify the competition between them.<sup>2</sup>

Hence my argument has not been about the numbers, wealth or even cultural presence of the middle class, but about its identity as an autonomous, self-motivated political actor, its effective influence upon power, its modification in any serious way of the patrician-plebs equilibrium. I do not wish to retreat from the propositions in this chapter, although I salute the significance of current research into middle-class institutions and into urban political life.

The argument is in part about power, and in part about cultural alienation. (See above, p. 5.) Critics have suggested that I and others of the older generation of "crowd historians", by attending mainly to riots and protests, have excluded from view many other popular manifestations, including loyalist and patriotic ebullience, electoral partisanship, and uglier evidences of xenophobia or religious bigotry.<sup>3</sup> I am very willing to grant that these questions have

<sup>1</sup> Paul Langford, *op. cit.*, p. 653 notes the delay in the admission of "middle class" to general usage, and he comments that the middle class "was united in nothing more than in its members' determination to make themselves gentlemen and ladies, thereby identifying themselves with the upper class". I am indebted to Dror Wahrman of Princeton University for a sight of some of his unpublished research into the explicit and politically-motivated resistance to the admission of "middle class" to general usage.

<sup>2</sup> See Linda Colley, *op. cit.*, p. 371: "If sociopolitical antagonisms were becoming sharper in the late eighteenth century (as I believe they were), one would expect to see both an increase in plebeian consciousness and bitterness, and a ruling group that was more avid for office, honors, wealth, and a discrete cultural identity."

<sup>3</sup> For one excellent study see John Walsh, "Methodism and the Mob in the Eighteenth Century", in G. J. Cuming and D. Baker, *Studies in Church History* (Cambridge, 1971), Vol. 8.

not preoccupied me, and I am happy to see these absences being repaired by others.<sup>1</sup> Certainly, a more rounded view of the crowd is becoming available. But one hopes that the view does not become too round. Few generalisations as to the dominant political attitudes of the "plebs" across the eighteenth century are likely to stand, except that the crowd was highly volatile. Eighteenth-century crowds come in great variety, in every shape and size. In the early years of the century there were mughouse gangs, to be turned loose by politicians against their opponents. "I love a mob," said the duke of Newcastle in his later years: "I headed a mob once myself. We owe the Hanoverian succession to a mob."<sup>2</sup> At no time is this volatility more manifest than at the end of the century. Generalisations as to the crowd's political disposition will tell us one thing at the time of the Priestley Riots (1791); another at the height of the popularity of Tom Paine and Reform two or three years later. Revolutionary sentiments can be found in alehouse rhetoric and in anonymous threatening letters between 1797 and 1801 (years of the naval mutinies, the Irish insurrection, years of resistance to taxation and of fierce bread riots) and fervent popular loyalism and anti-Gallicanism can be found between 1803 and 1805 (years of invasion threat, of anger at Napoleon's imperial expansion, which aroused the hostility even of former English "Jacobins", years of mass enlistment in the Volunteers and of Nelson's bitter-sweet victory at Trafalgar).

These swift transitions took place, of course, within individuals as well as within the mood of crowds. Allen Davenport, who came from a labouring family on the Gloucestershire-Wiltshire border, described how he came to Bristol in 1794, at the age of 19:

I was a bit of a patriot, and thought, at that time, that every thing that was undertaken by England was right, just, and proper; and that every other nation that opposed her was wrong and deserved chastisement. And that France who had just killed her king, exiled her nobles, and

<sup>1</sup> For example, Linda Colley, "The Apotheosis of George III: Loyalty, Royalty and the British Nation, 1760-1820", *Past and Present*, 102, February 1984.

<sup>2</sup> James L. Fitts, "Newcastle's Mob", *Albion*, Vol. 5, no. 1, Spring 1973.



reviled and desecrated the Christian religion, was very wicked indeed; and I shouted "Church and King" as loud and as long as any priest or lord in the kingdom. And believed that England was not only justified, but that it was her bounden duty to put down, and if possible to exterminate such a desperate nation of levellers, blasphemers, and regicides! And that was the feeling of nine tenths of the people of England [in] 1794.<sup>1</sup>

Davenport was to become a leading Spencean, a republican and a Chartist.

The eighteenth-century crowd was protean: now it employed Jacobite symbolism, now it gave full-throated endorsement to Wilkes, now it attacked Dissenting meetinghouses, now it set the price of bread. It is true that certain themes repeat themselves: xenophobia (especially anti-Gallicanism) as well as a fondness for anti-papist and libertarian ("free-born Englishman") rhetoric. But easy generalisations should stop at that point. Perhaps in reaction to overmuch sympathy and defensiveness which was shown by crowd historians of my generation, some younger historians are willing to tell us what the crowd believed, and (it seems) it was always nationalistic and usually loyalist and imperialist in disposition. But not all of these historians have spent much time in searching the archives where the enigmatic and ambivalent evidence will be found, and those of us who have done so are more cautious. Nor can one read off "public opinion" in a direct way from the press, since this was written by and for the middling orders; an enthusiasm for commercial expansion among these readers was not necessarily shared by those who served by land or sea in the wars which promoted this expansion. In contrast to the populist tone of the 1960s it is very much the fashion of our own time for intellectuals to discover that working people were (and are) bigoted, racist, sexist, but/and at heart deeply conservative and loyal to Church and King. But a traditional ("conservative") customary consciousness may in certain conjunctures appear as a rebellious one; it may have its own logic and its own solidarities which cannot be typed in a simple-minded way. "Patriotism" itself may be a rhetorical stratagem which the crowd employs to mount an assault upon

<sup>1</sup> *Life of Allen Davenport* (1845), pp. 18-19.

the corruption of the ruling Hanoverian powers, just as in the next century the Queen Caroline agitation was a stratagem to assault King George IV and his court. When the crowd acclaimed popular admirals it might be a way of getting at Walpole or at Pitt.<sup>1</sup>

We cannot even say how far explicit republican ideas were abroad, especially during the turbulent 1760s. It is a question more often turned aside with a negative than investigated. But we have the *caveat* of Sir John Plumb: "Historians, I feel, never give sufficient emphasis to the prevalence of bitter anti-monarchical, pro-republican sentiment of the 1760s and 1770s."<sup>2</sup> A similar thought has strayed across the mind of a more excitable historian, Mr J. C. D. Clark, who has quoted John Wesley in 1775, writing to the earl of Dartmouth about the "dangerously dissatisfied" state of the people "all over the nation" "in every city, town, and village where I have been". The people "aim at" the king himself: "they heartily despise His Majesty and hate him with a perfect hatred. They wish to imbrue their hands in his blood; they are full of the spirit of murder and rebellion. . ."<sup>3</sup> One suspects that there are times during the 1760s and 1770s when a part of the English people were more ready to secede from the Crown than were the American colonists, but they had the misfortune not to be protected from it by the Atlantic ocean.

I stand, then, by the patrician/plebs model and the field-of-force metaphor, both for the structuring of power and for the dialectical tug-of-war of ideology. Yet it should not be supposed that these formulae supply an instant analytical resource to unpick the meaning of every action of the crowd. Each crowd action took place in a specific context, was influenced by the local balance of forces, and often found its

<sup>1</sup> Gerald Jordan and Nicholas Rogers, "Admirals as Heroes: Patriotism and Liberty in Hanoverian England", *Journal of British Studies*, Vol. 28, no. 3, July 1989; Kathleen Wilson, "Empire, Trade and Popular Politics in Mid-Hanoverian Britain: the Case of Admiral Vernon", *Past and Present*, 121, 1988.

<sup>2</sup> Plumb, "Political Man", *op. cit.*, p. 15.

<sup>3</sup> J. Telford (ed.), *Letters to the Rev. John Wesley* (1931), Vol. vi, p. 178, cited in J. C. D. Clark, *English Society, 1688-1832* (Cambridge, 1985), p. 236. It is not clear how far Mr Clark endorses Wesley's alarmism.



opportunity and its script from the factional divisions within ruling groups or from issues thrown up in national political discourse. This question has been discussed cogently by Nicholas Rogers in *Whigs and Cities*; he (perhaps unfairly) suspects me of "essentialist" analytical procedures. If so, then Rogers is right and I am wrong, since his command of the material is superb, and his findings are supported by years of research and analysis of the urban crowd.<sup>1</sup> In Rogers's view most urban crowd actions should be seen as taking place on "a terrain in which ideology, culture and power intersect". In the early eighteenth century the rulers themselves, for their own reasons, opened this space for the crowd, allocating to it a client and subaltern role. High-church clergy and civic factionalists enlarged this space. The calendar of political anniversaries and celebrations — processions, illuminations, elections, effigy burnings, carnivalesque ebullitions — all allocated roles to the crowd and enlisted its participation. In this way in the four decades after 1680 "wide sections of the labouring populace" were drawn into the national political discourse:

Years of acute party strife, in a social context which allowed the common people greater cultural space, had created a dynamic and contentious political culture, centred around royal and national anniversaries, in which the populace itself was a vigorous participant.

It was only under this tutelage that the crowd learned to assert its own autonomy and, on occasion, select its own objectives. The crowd was now a phenomenon that "had to be cultivated, nurtured, and contained", lest it should break out of its subaltern role.<sup>2</sup>

I can accept and applaud Professor Rogers's approach and its execution in his urban studies. It is preferable to a simple reduction to a dual patrician/plebs polarity, and — while it allows to the crowd less autonomy than I find (for example, in provincial food or turnpike or industrial or press-gang or

<sup>1</sup>One looks forward eagerly to his forthcoming volume, *Crowds, Politics, and Culture in Eighteenth-Century England*, which promises to replace all previous studies. One also looks forward to Kathleen Wilson's forthcoming, *The Sense of the People: Urban Political Culture in England, 1715-1785*.

<sup>2</sup>Rogers, *Whigs and Cities*, esp. pp. 351, 368-72.

anti-militia actions) — it replaces urban crowd actions within a more complex political and cultural context. But through all these complexities I still must posit the underlying polarity of power — the forces which pressed to enter upon and occupy any spaces which fell open when ruling groups came into conflict. Even where crowds were clearly managed and subaltern, they were never regarded by the rulers without anxiety. They might always exceed their permit, and the unlicensed crowd would fall back into the "essentialist" polarity, "transforming the official calendar into a carnival of sedition and riot".<sup>1</sup> Underlying all crowd actions one can sense the formation which has been my object of analysis, the patrician/plebs equilibrium.

One component of this, the old pretences of paternalism and deference, were losing force even before the French Revolution, although they saw a temporary revival in the Church-and-King mobs of the early nineties, the military display and anti-Gallicanism of the wars. The Gordon Riots had seen the climax, and also the apotheosis, of plebeian licence; and inflicted a trauma upon the rulers which was registered in a growing disciplinary tone in the eighties. But by then the reciprocal relation between gentry and plebs, tipping now one way, now the other, had lasted for a century. Grossly unequal as this relationship was, the gentry nevertheless needed *some* kind of support from "the poor", and the poor sensed that they were needed. For a hundred years they were not altogether the losers. They maintained their traditional culture; they secured a partial arrest of the work-discipline of early industrialism; they perhaps enlarged the scope of the poor laws; they enforced charities which may have prevented years of dearth from escalating into crises of subsistence; and they enjoyed liberties of pushing about the streets and jostling, gaping and huzzaing, pulling down the houses of obnoxious bakers or Dissenters, and a generally riotous and unpoliced disposition which astonished foreign visitors, and which almost misled them themselves into believing that they were "free". The 1790s expelled that illusion, and in the wake of the experiences of those years the relationship of reciprocity snapped. As it snapped, so, in the

<sup>1</sup>*Ibid.*, p. 372.



same moment, the gentry lost their self-assured cultural hegemony. It suddenly appeared that the world was not, after all, bounded at every point by their rules and overwatched by their power. A man was a man, "for a' that". We move out of the eighteenth-century field-of-force and enter a period in which there is a structural reordering of class relations and of ideology. It is possible, for the first time, to analyse the historical process in terms of nineteenth-century notations of class.

### Chapter Three

## *Custom, Law and Common Right*

### I

At the interface between law and agrarian practice we find custom. Custom itself *is* the interface, since it may be considered both as praxis and as law. Custom's original lies in praxis; in a treatise on copyhold at the end of the seventeenth century we learn that "customs are to be construed according to vulgar apprehension, because Customs grow generally, and are bred up and brought up amongst the Lay-gents, therefore are called *Vulgares Consuetudines*". For Sir Edward Coke (1641) there were "two pillars" for customs — common usage, and time out of mind. For Carter in *Lex Custumaria* (1696) the pillars had become four: antiquity, continuance, certainty and reason:

For a Custom taketh beginning and groweth to perfection in this manner. When a reasonable Act once done is found to be good, and beneficial to the People, and agreeable to their nature and disposition, then do they use it and practise it again and again, and so by often iteration and multiplication of the Act, it becomes a Custom; and being continued without interruption time out of mind, it obtaineth the force of a Law.

Custom is local, *lex loci*, and may except the locality from common law, as, for example, in "Borough-English" whereby the younger son might inherit. It is "alleged not in the person, but in the manor" (Fisher): "So Custom lies upon



the Land" and "binds the Land" (Carter).<sup>1</sup>

The land upon which custom lay might be a manor, a parish, a stretch of river, oyster beds in an estuary, a park, mountain grazing, or a larger administrative unity like a forest. At one extreme custom was sharply defined, enforceable at law, and (as at enclosure) was a property: this is the business of the court roll, the manorial courts, the recitations of customs, the survey and of village by-laws. In the middle custom was less exact: it depended on the continual renewal of oral traditions, as in the annual or regular perambulation of the bounds of the parish:

Gervas Knight. . . aged sixty seven yeares and upwards Maketh Oath that ever since he can remember. . . he has known Farming Woods Walk within the Forest of Rockingham. . . and says that ever since he was big enough. . . viz. from about the yeare 1664 until about the yeare 1720 he yearly or every two yeares. . . went with the Vicar and Parishioners of Brigstock to perambulate publickly for the same Parish and thereby make clayme of the Lands thereto belonging and to set forth their bounds. . .<sup>2</sup>

The perambulation followed the ancient watercourses, the hedges of closes, and at each boundary point a cross or mark was made in the ground.<sup>3</sup>

Not only the lord's court but also the church was trustee of the parish memory, and in the early eighteenth century one can still find examples where this trust was vigorously upheld. I have described in *Whigs and Hunters* the remarkable role as

<sup>1</sup> Sir Edward Coke, *The Complete Copy-holder* (1641); S.C. [S. Carter], *Lex Custumaria: or, A Treatise of Copyhold Estates*, 2nd edn. 1701), ch. 4, which usefully summarises law c. 1700. Law relating to custom was of course modified by eighteenth-century judgements, and is usefully summarised c. 1800 in R. B. Fisher, *A Practical Treatise on Copyhold Tenure* (1794; 2nd edn. 1803), ch. 6. An authoritative treatise on customary law in the nineteenth century is John Scriven, *A Treatise on the Law of Copy-holds*, (7th edn., 1896). For the later nineteenth century, J. H. Balfour Browne, *The Law of Usages and Customs* (1875), ch. 1.

<sup>2</sup> Deposition of Jarvis Knight, PRO, KB 1.2 Part 2, Trinity 10 Geo. 1.

<sup>3</sup> Small boys were sometimes ducked in the ditch or given a clout to imprint the spot upon their memories. Such practices are found everywhere. In Shetland "at a perambulation of the scattald marches of Uist in the year 1818. . . Mr Mowat to make it to be the better remembred that Tonga was the march, gave Fredman Stickle. . . a crack over the back with his horse-whip": Brian Smith, "What is a Scattald?", in Barbara Crawford (ed.), *Essays in Shetland History* (Lerwick, 1984), p. 104.

recorder of Will Waterson, the vicar of Winkfield in Windsor Forest.<sup>1</sup> The vicar of Richmond led his parishioners in a perambulation which broke down the wall of Richmond Park.<sup>2</sup> An equally active part was played by Mr Henry Goode, the rector of Weldon, a parish which intercommoned with several others in the forest of Rockingham and whose rights were disputed by the parish of Brigstock. In 1724 in one of those disputes over timber rights and lops and tops which can be found in all forest areas, there was a formidable encounter in the forest. In Whitsun week the servants of Lord Gowran of Brigstock felled some trees in Farming Woods Walk and the Gowrans sent their tenants with wagons to carry the timber away. "You are very merry", said a Weldon man: "We will be merry with you." Shortly afterwards more than two hundred Weldon men and women surged into the forest, armed with hatchets, woodbills, pick hafts and staves, "hallowing. . . in a violent riotous and threatening manner and crying out 'Cutt the Waggons, Overthrow the Waggons'. . .", scaring the horses, and carrying off some of the lops and tops. Behind this affray lay further grievances about grazing rights and the impounding by Lord Gowran's orders of Weldon cattle. A deponent said that the rector of Weldon "did on a Sunday in his desk in Church there preach or read something to his Parishioners there that instigated or encouraged the said Riot, and that on the same day that Riot was committed the Bells in the Steeple there were rung backwards or jangled in order to raise or incite the people. . ."<sup>3</sup> Mr Goode continued his campaign twenty years later, with a "Commoner's Letter to his Brethren in Rockingham Forest", in which their precedents and rights were rehearsed. The notion of church guardianship was emphasised by a postscript:

<sup>1</sup> E. P. Thompson, *Whigs and Hunters* (1975), esp. pp. 298-300.

<sup>2</sup> Anon., *Two Historical Accounts of the Making of the New Forest and of Richmond New Park* (1751). In 1748 the rector of Bainton (Yorkshire) led his parishioners in breaking down enclosures made by the lord of the manor; the rector, William Territt, ended up at York Assizes: W. E. Tate, *The English Village Community and the Enclosure Movements* (1967), p. 152.

<sup>3</sup> Depositions of Charles Gray and of Richard Collyer in PRO, KB 1.2 Part 2 (1724).



N.B. I desire every Parish, that has any Right of Common in the Forest of Rockingham, to lay up two of these Letters in the Parish Chest, which may be a means of instructing their Children, and their Childrens Children, how to preserve their Right in the Forrest for Ages to come.<sup>1</sup>

Perhaps Henry Goode and Will Waterson strayed a little beyond a perambulation of the bounds of duty. A recommended Exhortation to be preached in Rogation Week had a good deal to say about avoiding contention with neighbouring parishes and turning the other cheek. Nevertheless, explicit commination is visited upon offenders against parish or common rights: "Accursed be he, said Almighty God by Moses, who removeth his neighbour's doles and marks":

They do much provoke the wrath of God upon themselves, which use to grind up the doles and marks, which of ancient time were laid for the division of meers and balks in the fields, to bring the owners to their right. They do wickedly, which do turn up the ancient terries of the fields, that old men beforetime<sup>s</sup> with great pains did tread out; whereby the lords' records (which be the tenants' evidence) be perverted and translated sometimes to the disheriting of the right owner, to the oppression of the poor fatherless, or the poor widow.

And if these exhortations are directed mainly at the petty malefactor, moving boundary marks in the night or shaving with his plough a foot off the common balks and walks, yet the sentence of commination was visited also on the rich and the great: "So witnesseth Solomon. The Lord will destroy the house of the proud man: but he will stablish the borders of the widow." And all farmers were exhorted "to leave behind some ears of corn for the poor gleaners".<sup>2</sup>

If the memories of the old, perambulation and exhortation lay towards the centre of custom's interface between law and praxis, custom passes at the other extreme into areas altogether indistinct — into unwritten beliefs, sociological norms, and usages asserted in practice but never enrolled in any by-law. This area is the most difficult to recover, precisely because it belongs only to practice and to oral tradition. It

<sup>1</sup>"A Commoner" [the Rev. Good of Weldon], *A Letter to the Commoners in Rockingham Forest* (Stamford, 1744), p. 18.

<sup>2</sup>"An Exhortation to be spoken to such Parishes where they use their Perambulation in Rogation Week", *Certain Sermons and Homilies appointed to be read in Churches in the Time of Queen Elizabeth* (1851), pp. 529-30.

may by the area most significant for the livelihood of the poor and the marginal people in the village community. Customals and by-laws should not be taken to be an exhaustive accounting of the actual practice of common right usages, especially where these bear upon the fringe benefits of common, waste, the herbage of lanesides, to the landless inhabitants or the cottager. For these documentary sources are often partisan briefs drawn up by the lord's steward, or by the substantial landholders on the in-coming of a new lord; or they are the outcome of bargaining and compromise between several propertied parties in the manorial court, in which the cottager or the landless had no voice on the homage. As one learned legal antiquary noted,

The Entries which are found in the manorial Books or on Manorial Court Rolls, kept in the hands of the Lord's Steward, and purporting to set out the bounds of manors are liable to great suspicion. . . They are always made by Parties having a positive interest in gaining the greatest extent of property possible.<sup>1</sup>

Other rights were of a nature that could never be brought to trial or proved. For example, a King's Bench affidavit of 1721 concerns a woman gleaner who was beaten and driven from the field in Hope-under-Dynemore, Herefordshire. The farmer, in defence, said he "would not suffer her to lease there because she had cursed him".<sup>2</sup> This might indicate only a neighbourhood quarrel, but — the evidence is too scanty for confidence — it might hint at further unwritten custom. A curse, of course, registered something more than a curse would normally register today. Both slander and assault were constant objects of social control. But a curse was more than slander. The Herefordshire case might suggest that a curse was strong enough to unloose the farmer (at least in his own eyes) from the acknowledged bond laid upon the land by custom.

I am suggesting that custom took effect within a context of sociological norms and tolerances. It also took effect within a

<sup>1</sup>Stacey Grimaldi, "Report upon the Rights of the Crown in the Forest of Whichwood", 2 vols. (MS in my possession, 1838), i, no pagination, section on "timber and saplings within manors".

<sup>2</sup>PRO, KB 2.1 Part 2, Rex v John Stallard. Elizabeth Blusk miscarried as a result of being beaten by Stallard.



workaday routine of livelihood. It was possible to acknowledge the customary rights of the poor, but place obstacles in the way of their exercise. A petition of the poor inhabitants of Loughton, adjoining Waltham Forest in Essex, claimed the liberty of lopping their firewood from the trees. The lord and lady of the manor had not disputed the right but had limited its exercise to Mondays only, "and if this day prove fair 'tis a loss to them because 'tis the day they generally lett themselves to work with the farmers that employ them for the whole week", whereas formerly they had gathered wood on any wet days when there was no work. Meanwhile (they complained) the lord and lady were felling timber, selling logs, overstocking the forest with cattle, ploughing up the greensward, and setting coney warrens whose rabbits were "eating up their green corn and poysoning their meadows".<sup>1</sup>

Agrarian custom was never fact. It was ambience. It may best be understood with the aid of Bourdieu's concept of "habitus" — a lived environment comprised of practices, inherited expectations, rules which both determined limits to usages and disclosed possibilities, norms and sanctions both of law and neighbourhood pressures.<sup>2</sup> The profile of common right usages will vary from parish to parish according to innumerable variables: the economy of crop and stock, the extent of common and waste, demographic pressures, by-employments, vigilant or absentee landowners, the role of the church, strict or lax court-keeping, the contiguity of forest, fen or chase, the balance of greater and lesser landholders. Within this habitus all parties strove to maximise their own advantages. Each encroached upon the usages of the others. The rich employed their riches, and all the institutions and awe of local authority. The middling farmers, or yeoman sort, influenced local courts and sought to write stricter by-laws as hedges against both large and petty encroachments; they could also employ the discipline of the poor laws against those beneath them, and on occasion they

<sup>1</sup>PRO, C 104.113 Part 1, c. 1720? For the unusually tenacious and ritualised customs of wood in Loughton, see Lord Eversley, *Commons, Forests and Footpaths* (1910), pp. 86ff, 106-8; and below pp. 142-3.

<sup>2</sup>Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge, 1977), Chap. 4. This is my own gloss upon Bourdieu's stricter concept.

defended their rights against the rich and powerful at law.<sup>1</sup> The peasantry and the poor employed stealth, a knowledge of every bush and by-way, and the force of numbers. It is sentimental to suppose that, until the point of enclosure, the poor were always losers. It is deferential to suppose that the rich and great might not act as law-breakers and predators. A reading of the successive reports on royal forests of the Land Revenue Commissioners will quickly disabuse us on both points.

Forests, chases, great parks and some fisheries were notable arenas, in the eighteenth century, of conflicting claims (and appropriations) of common rights. After a revival in the first decades, the forest courts fell back into disuse, so that the direct invigilation by "the Crown" declined. But the hierarchy of grantees, managers, keepers, forest officers, under-keepers, remained in being, as avaricious as ever, and most of them engaged in the rip-offs which their rank or opportunities of office favoured. The great encroached on the walks, fenced in new hunting lodges, felled acres of timber, or obtained little sweeteners, like the earl of Westmorland who was granted four hundred acres of Whittlewood Forest at one farthing an acre in 1718.<sup>2</sup> In the middle of the hierarchy forest officers and under-keepers, who had long supplemented their petty salaries with perquisites, made inroads into the venison, sold off the brushwood and furze, made private agreements with inn-keepers and pastry-cooks, butchers and tanners.<sup>3</sup> Early in the century Charles Withers, Surveyor-General for Woods and Forests, kept a diary of a tour of several forests. At Wychwood —

This Forest egregiously abused. The timber shrouded and browsed: none coming on in the Knipes or Coppices; cut by Keepers, without assignment, sold to the neighbourhood: especially Burford Town supplied thence. Landlord Nash at the Bull bought this year Ten Load; in short, 'tis scandalous!

<sup>1</sup>This was especially the case where copyhold and customary tenures survived strongly: see C. E. Searle, "Custom, Class Conflict and Agrarian Capitalism: the Cumbrian Customary Economy in the Eighteenth Century", *Past and Present*, 110 (1986), esp. pp. 121-132.

<sup>2</sup>*Commons Journals*, xlvii (1792), p. 193.

<sup>3</sup>P. A. J. Pettit, *The Royal Forests of Northamptonshire, 1558-1714* (Northants. Record Society, 1968), pp. 48-9.



Much the same was found in the New Forest. But, equally, Withers found that the working inhabitants of forest villages and purlieus were continually pressing and enlarging their claims. In the Forest of Dean the colliers were "cutting thriving Timber for their Pits, without assignment. They pretend a custom to demand it, but are now so lawless that they even take it without".<sup>1</sup> And in a Memorial to the Treasury Commissioners in 1729 Withers represented that —

It is very observable that the Country people everywhere think they have a sort of right to the Wood, & timber in the Forests, and whether the Notion may have been delivered down to them by tradition, from the times these Forests were declared to be such by the Crown, when there were great Struggles and contests about them, he is not able to determine. But it is certain they carefully conceal the Spoils committed by each other, and are always jealous of everything that is done under the Authority of the Crown.<sup>2</sup>

Disputes over common right in such contexts were not exceptional. They were normal. Already in the thirteenth century common rights were exercised according to "time-hallowed custom",<sup>3</sup> but they were also being disputed in time-hallowed ways. Conflict over "botes" or "estover" (small wood for fencing, repair of buildings, fuel) or "turbary" (turves and peats for fuel) was never-ending; only occasionally did it arise to the high visibility of legal action, or (as with Weldon and Brigstock (p. 99)) to a punch-up between contiguous parishes, or to a confrontation between the powerful rich and the numerous "poor", as in the disputed carrying-away of "lops and tops".<sup>4</sup> But there cannot be a forest or chase in the country which did not have some dramatic episode of conflict over common right in the eighteenth century. It was not only the deer which enraged farmers, by spilling out of the forests and eating their corn. There were also the coney warrens, which became a craze in

<sup>1</sup>Earl St Aldwyn's MSS, PPD/7, extracts from journals and diaries, c. 1722, copied in 1830.

<sup>2</sup>Camb. Univ. Lib., C(H) MSS, 62/38/1, Memorial of Charles Withers to Treasury Commissioners, 10 April 1729.

<sup>3</sup>Jean Birrell, "Common Rights in the Medieval Forest", *Past and Present*, 117 (1987), pp. 29ff.

<sup>4</sup>See Alice Holt Forest, for example, in my *Whigs and Hunters*, p. 244.

the early eighteenth century with lords of the manor anxious to improve, not their pastures but their income. In one robust complaint from Charnwood in North Leicestershire, rabbit warrens were identified with Stuart tyranny:

When Popish Jemmy rul'd this Land  
He rul'd it like a King.  
And bloody Jeffreys went about  
Hanging & Gibbeting.

The Warreners prick'd up their Ears  
That was a Time of Grace,  
Game Laws & Justices were made  
And Rabbets bred apace.

They cover'd all our Common Ground  
Or soon would do, no doubt  
But now, whilst George the Second reigns  
We'll pull the Vermin out. . .

The lines of this "Charnwood Opera" (performed in "The Holly Bush" in the forest) may date from 1753, and refer to episodes three or four years earlier. Lord Stamford, Lord Huntingdon, and three great gentry had planted copious warrens on the commons:

The Turf is short bitten by Rabbits, And now  
No milk can be stroak'd from ye Old Womans Cow  
Tom Threshers poor Children look sadly, And say  
They must eat Waterporridge, three times in a Day  
Derry down.

In 1749 a great number of inhabitants, men, women and boys of neighbouring villages, including a party of colliers from Cole Orton, converged upon the warrens, marching over the plain "with rustick Noise & laughter. . . the Mobile Clamour mix'd with Threats & Jokes":

On yonder Hill, See, How They stand  
— with Dogs — and Picks, and Spades in Hand.  
By Mars! A formidable Band!  
Were they enclin'd to fight  
See! How they troop from ev'ry Town  
To pull these Upstart Warrens down,  
All praying for the Church & Crown  
And for their Common Right.

In the ensuing encounter the warrens were thrown open. The "rioters" clashed with the Warrener and his party, and one of



the rioters was killed. There followed troops of dragoons, wholesale arrests, trials. Right of common was proved for twenty-six neighbouring towns and villages, and Charnwood Forest remained unenclosed for a further half-century.<sup>1</sup>

This serves to remind us that high feeling around common rights, and episodes of disturbance, need not wait upon enclosure. Perhaps enclosure had been the most visible occasion of grievance in the sixteenth and seventeenth centuries.<sup>2</sup> And perhaps in the first six decades of the eighteenth century disputes about deer and other game,<sup>3</sup> about fishing rights, about timber, about the exploitation of quarries, sand-pits and peat, became more frequent and more angry. The notional economy of coincidental use-rights of greater and lesser substance was coming under greater strain. Demographic pressure, together with the growth of by-employments, had made the marginal benefits of turbary, estover etc. of more significance in the package that made up a subsistence-economy for "the poor"; while at the same time the growth of towns and, with this, the growing demand for fuel and building materials enhanced the marketable value of such assets as quarries, gravel- and sand-pits, peat bogs, for the larger landholders and lords of the manor. In a parallel movement, the law was conforming with an age of agricultural "improvement" and was finding claims to coincident use-rights to be untidy. So also did the modernising administrative mind. A survey of Salcey Forest in 1783

<sup>1</sup>The late W. E. Tate was given "The Charnwood Opera" in a mid eighteenth-century hand by a Nottingham bookseller: see Tate, *op. cit.*, plate XIII and p. 214; he kindly sent me a transcript many years ago. The original has been found among Tate's papers in the Reading University Library. See Roy Palmer, *A Ballad History of England* (1979), pp. 59-61; John Nichols, *History and Antiquities of the County of Leicester* (1800), iii, p. 131. The Act to enclose Charnwood Forest was passed in 1808 but not carried into effect until 1829. For other examples of opposition to warrens, see Douglas Hay, "Poaching and the Game Laws on Cannock Chase", in Douglas Hay, Peter Linebaugh and E. P. Thompson, *Albion's Fatal Tree* (1975); Fifth Report of Land Revenue Commissioners (New Forest), *Commons Journals*, xlv (1789), pp. 561, 565. An edition of "The Charnwood Opera" is being prepared for the press by Roy Palmer and John Goodacre.

<sup>2</sup>See Roger Manning, *Village Revolts* (Oxford, 1988).

<sup>3</sup>See my *Whigs and Hunters*, and also John Broad, "Whigs, Deer-Stealers and the Origins of the Black Act", *Past and Present*, 119 (1988).

noted "the ruinous Effects of a Mixture of opposite Interests in the same Property".<sup>1</sup>

If all the agricultural lands of England and Wales had been as open to rip-offs as the royal forests or as beset with disputes as Charnwood, then they might have served as illustrative proofs for the glum theses of Garret Hardin in "The Tragedy of the Commons".<sup>2</sup> It has been Professor Hardin's argument that since resources held in common are not owned and protected by anyone, there is an inexorable economic logic which dooms them to over-exploitation. The argument, in fact, is derived from the English propagandists of parliamentary enclosure, and from a specific Malthusian variant.<sup>3</sup> Despite its commonsense air, what it overlooks is that the commoners themselves were not without commonsense. Over time and over space the users of commons have developed a rich variety of institutions and community sanctions which have effected restraints and stints upon use.<sup>4</sup> If there were signs of ecological crisis in some English forests in the eighteenth century, this was as much for political and legal reasons as for economic or demographic. As the old forest institutions lapsed, so they fell into a vacuum in which political influence, market forces, and popular assertion contested with each other without common rules:

The present state of the New Forest is little less than absolute anarchy [it was lamented in 1851]. The records are insufficient to ascertain who are entitled to rights; there is no certainty what law, forest or common law, is current; and, consequently, what officers have power, and under what authority to interfere.

At present the forest "has not, and cannot have, an owner. We seem reverting to Eastern and primeval manners". The

<sup>1</sup>*Commons Journals*, xlv (1790-1), p. 101.

<sup>2</sup>*Science*, 162 (1968), pp. 1343-8.

<sup>3</sup>W. F. Lloyd, *Two Lectures on the Checks to Population* (1833), extracts reprinted in G. Hardin and J. Baden (eds.), *Managing the Commons* (San Francisco, 1977).

<sup>4</sup>See Bonnie M. McCoy and James M. Acheson (eds.), *The Question of the Commons* (Tucson, 1987). These studies on the culture and ecology of communal resources turn upon fishing, grazing and forest resources, and do not address the English agrarian context of the eighteenth century, from which W. F. Lloyd's argument is derived.



foresters (including many squatters) supposed, however, that *they* were the owners, improvising rules in informal ways. When a government inspector was sent down to examine the state of the forest in 1848-9, he was burned in effigy off Lyndhurst, the Deputy Warden supplying fuel from the forest for this meritorious purpose.<sup>1</sup>

These were dark places, however, possessed by "savage ignorance and barbarism". Over the rest of agricultural England there was a much stricter governance of common rights, both at common law and in *lex loci*. Common of pasture was stinted by the regulation of the lord's court or by village by-laws, regulations which had sometimes been in continuous evolution for centuries. The orderly village agricultural practices of medieval England disclosed by Warren Ault<sup>2</sup> are far from Garret Hardin's notions of common free-for-all.<sup>3</sup> But stinting could breed its own disputes. The court of Chancery decided, in a case in 1689, that the greater part of the landholders might regulate and stint a common (on grounds of "proper and natural equity") even if "one or two humoursome tenants stand out and will not agree".<sup>4</sup> But "one or two humoursome tenants" was too uncertain a legal term. In 1706 a new case arose from Bishop's Cleeve in Gloucestershire, where the landholders had agreed to stint five thousand acres of common, but the defendant (the rector of the parish) and nine others stood out. Evidently this was more than one or two humoursome fellows, for the court decided that "a right of common cannot be altered without the consent of all parties concerned therein".<sup>5</sup>

<sup>1</sup>"The Office of Woods and Forests, Land Revenue, Works and Buildings", *Law Magazine and Quarterly Review of Jurisprudence*, n.s. 14/o.s. 45 (1851), pp. 31-3.

<sup>2</sup>W. O. Ault, *Open-Field Farming in Medieval England: A Study of Village By-Laws* (1972).

<sup>3</sup>Hardin's "Tragedy of the Commons", in Hardin & Baden, *op. cit.*, is historically uninformed and assumes that commons were "pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons".

<sup>4</sup>*Delabeere v Beddingfield* (1689), 2 Vern 103, ER 23, p. 676.

<sup>5</sup>*Bruges et Al' v Curwin et Al'* (1706), 2 Vern 575, ER 23, p. 974. This was revised by 13 Geo. III, c. 81, in 1772, when open field parishes were

One wonders if this might have been at the origin of the parliamentary process of enclosure, which is something of a mystery? For "the first private bill of enclosure ever passed" came up to parliament in February 1710. It concerned Ropley Commons and the old disparked park of Farnham, within the bishopric of Winchester. It was a decidedly unpopular and vigorously contested measure, and it contributed to the ill-will which led to raids on the bishop's deer and eventually to "blacking". It could scarcely have been pushed through in any other way.<sup>1</sup>

Once the private act of enclosure became possible, it was clear that *enclosure* might not take place unless by due parliamentary process if even one humoursome landholder dissented.<sup>2</sup> Until the 1760s (and in some cases later) this could act as a serious disincentive to the landowners. A young gentleman was writing on behalf of his mother to some noble

---

empowered to regulate their agriculture if three-quarters in number and value of the occupiers agreed: Sir W. S. Holdsworth, *A History of English Law*, xi, pp. 454-5. Sheila Lambert, *Bills and Acts* (Cambridge, 1971), p. 143 thinks the act may have been "a dead letter", although Withern-with-Woodthorpe (Lincolnshire) was vigorously exercising its provisions in the 1790s (information from Rex Russell).

<sup>1</sup>For Ropley Commons and Farnham Park enclosure (and disturbance) see my *Whigs and Hunters*, pp. 133-41; *Lords Journals*, xix, pp. 50, 65-6, 77, 80, 83, 108, 111; *Commons Journals*, xvi, pp. 374, 381, 385-6, 476, 509. The "first ever private bill" is the description in *Annals of Agriculture*, xxxvii (1801), pp. 226-31, where the Act was reprinted. Lambert, *op. cit.*, pp. 129-30 says that "in 1706 inclosure bills had been almost unknown"; see also E. C. K. Gonner, *Common Land and Inclosure*, 2nd edn. (1966), p. 58. Joan Thirsk (ed.), *The Agrarian History of England and Wales* (Cambridge, 1985), v, pt. 2, p. 380 expresses puzzlement at the reasons for the resort to private act. The Bill passed through the Lords without contest (25 Feb. to 17 Mar. 1710) but ran into opposition in the Commons, with a petition from freeholders, copyholders and leaseholders against it (23 Mar. 1710), and with renewed petitioning next year to repeal the Act, on the grounds of the partial allotment of portions, and the obstruction of highways (3 Feb. 1711). The House referred this and a counter-petition (21 Feb. 1711) to committee, where the matter seems to disappear.

<sup>2</sup>Arthur Young was still complaining in 1798: "what a gross absurdity to bind down in the fetters of custom ten intelligent men willing to adopt the improvements adapted to inclosures, because one stupid fellow is obstinate for the practice of his grandfather": "Of Inclosures", *Annals of Agriculture*, xxi (1798), p. 546.



patron in 1742 about her predicament in the parish of Church Oakley, Hampshire —

My Mama has the largest farm there upon her hands, and she finds it a very difficult thing to get a Tennant for it, no Person caring to take it unless the Parish was inclosed, there being so great a disagreement amongst the Farmers at Oakly, that in mere spite to each other they will not manage the Common Fields so as to make the best advantage of them. . .

Enclosure would especially benefit his mother “as she has the greatest Common there; there are but three freeholders and the Parsonage, besides herself, they all consent to enclose, except one person who in crossness sticks out. . .”. His mother begged to ask if the thing could be done, one man not agreeing to it, without an Act of Parliament “which she would be sorry to have, not only as it will be a great Expense, but as she has not any friends in the House. . .”.<sup>1</sup> Historians have noted that the great age of parliamentary enclosure, between 1760 and 1820, is testimony not only to the rage for improvement but also to the tenacity with which “humoursome” or “spiteful” fellows blocked the way to enclosure by agreement, holding out to the last for the old customary economy.

So that custom may also be seen as a place of class conflict, at the interface between agrarian practice and political power. The customary tenants of Sir William Lowther in the Cumberland manor of Askham complained in 1803 that “violations of our Antient Custom has always felt very painfull to us, and embittered many hours of our lives”. And Dr Searle comments:

Custom, then, was not something fixed and immutable, carrying the same body of meaning for both social classes. On the contrary, its definition was highly variable in relation to class position, and accordingly it became a vehicle for conflict not consensus.<sup>2</sup>

Unequal as were the terms of power in this conflict, yet power must submit to some constraints, not only because custom

<sup>1</sup> Henry Worsley to “Honoured Sir”, 8 July 1742, typescript copy in Earl St Aldwyn MSS. West Oakley was enclosed by agreement, but not until April 1773.

<sup>2</sup> Searle, *op. cit.*, p. 120.

had juridical endorsement and could itself be a “property”, but also because power might bring itself into danger if abuse of customary rights outraged the populace. Charles I’s high-handed pursuit of revenue in the royal forests had weakened his throne. Even the most predatory of the Hanoverian Whigs had not forgotten the lesson. George II’s consort, Queen Caroline, had “wished to shut up St. James’ Park, and asked Sir Robert Walpole what it would cost her to do it. He replied, ‘Only a *crown*, Madam’ ”.<sup>1</sup>

King Charles also set in motion one of the most politically-sensitive contests around common rights, when he enclosed and threw a high wall around Richmond Park. Several parishes were shut out from rights of common, and (Clarendon wrote) “the murmur and noise of the people. . . was too near London not to be the common discourse”. The murmur continued in the eighteenth century, and was at its loudest during the rangership of Sir Robert Walpole (through his son), when gates were locked, ladders over the wall were removed, and passengers or carriages were admitted only by ticket. Since the tickets (made of base metal) were easy to counterfeit, they were replaced by paper tickets stamped at the stamp office (6d.) (and the counterfeiting of stamps was then a capital felony). Although the parishioners pulled down the park wall two or three times on their perambulations of parish bounds (see Plate IX), Walpole “pocketed the affront, and built up the wall again”.

Walpole’s successor as Ranger was Princess Amelia, who was loved no more than Walpole but was more easy to challenge than the great man. The grievances concerned chiefly rights of way through the park, and loss of access to gravel, underwood, furze, and also water rights. In this prosperous neighbourhood those concerned were not only farmers but also gentry, merchants, tradespeople and artisans. Champions of local rights included a stonemason, a brewer, and Timothy Bennett, a shoemaker, whose motto it was that he was “unwilling to leave the world worse than he found it”. John Lewis, the brewer, led an agitation in the 1750s which prefigures some of the stratagems of John

<sup>1</sup> Horace Walpole, *Memoirs of the Reign of King George the Second* (1847), ii, pp. 220-1.



Wilkes: there were public meetings, memorials in the press (*London Evening Post*), a widely-signed petition presented to the King, and finally a series of actions at law.<sup>1</sup> From such episodes as this one may see the growing confidence of "civil society".

Cases came up at Surrey Assizes (Kingston) every summer from 1753 to 1758. Right of highway between Richmond and Croydon (through the park) was lost (1754), but right of footway (over stiles or ladders) from Richmond to Wimbledon was won. John Lewis then (1755) forced his way through a park gate, and sued the gatekeeper (Martha Gray) who pushed him out, for obstructing three ancient footways, one between East Sheene and Kingston. Trial was postponed to the next summer Assizes. At that time supporters of common right had published and circulated a pamphlet<sup>2</sup> on their side of the case, and Lord Mansfield — on the grounds that this could influence the jurors — used this as an excuse to put off the trial to a subsequent Assizes.

The trial finally came up at Surrey Lent Assizes, 1758, before Sir Michael Foster, then in his seventieth year. So many of the forty-eight special jurors who had been summoned to the panel were nervous about trying a cause against the Princess Amelia that it was necessary to put a talesman on the jury. Sir Michael promptly fined the absentees £20 a head. When the prosecution had got through some part of their evidence, the counsel for the Crown (Sir Richard Lloyd) said it was "needless for them to go on upon the right, as the Crown was not prepared to try that", since the obstruction was charged in the parish of Wimbledon whereas it was in truth in Mortlake:

<sup>1</sup> Anon., *A Tract on the National Interest, and Depravity of the Times* (1757); E. E. Dodd, "Richmond Park" (typescript, 1963); C. L. Collenette, *A History of Richmond Park* (1937); my *Whigs and Hunters*, pp. 181-4; Michael Dodson, *The Life of Sir Michael Foster* (1811), pp. 84-8; Rev. Gilbert Wakefield, *Memoirs* (1792), who has a good description of John Lewis's campaign, pp. 243-53; Walpole, *op. cit.*, i, pp. 401-2, ii, pp. 220-1.

<sup>2</sup> *A Tract on the National Interest*. A copy of this, and also of *German Cruelty: a Fair Warning to the People of Great-Britain* (1756) is in PRO, TS 11.347.1083, together with the Crown's brief against Joseph Shephard, a Chancery Lane printer.

The judge turned to the jury, and said, he thought they were come there to try a right, which the subject claimed to a way through Richmond Park, and not to cavil about little low objections, which have no relation to that right. . . . He thought it below the honour of the Crown, after this business had been depending three assizes, to send one of their select counsel, not to try the right, but to hinge upon so small a point as this.

The judge summed up in favour of the prosecution, and John Lewis won his case. Offered a gate or step-ladders, he chose the latter, as the freer mode of access. (With deer in the park, the gates would be kept closed, and might easily be locked.) When Lewis returned to the court with the complaint that the rungs on the ladders had been set too far apart for children and old men, Sir Michael Foster replied: "I have observed it myself, and I desire, Mr Lewis, that you would see it so constructed, that not only *children and old men*, but OLD WOMEN too, may get up."<sup>1</sup>

The case was a small sensation. For a while it gave the keepers real trouble, since triumphant citizens were clambering the ladders and did not confine themselves to the paths but "ranged & went at their pleasure over the greensward", declaring that "the park was a common & that they had a right to go anywhere. . . . they liked". This was to the prejudice of the deer and game and "will greatly interrupt the Royal Family in the use & enjoyment" of the park.<sup>2</sup> Princess Amelia abandoned her Rangership in a paddy. These matters also became part of the discourse of London: the free-born old Englishwoman had triumphed over the royal lady. Such victories, of the humble citizen over the great or the royal, were decidedly infrequent. But even one or two went a long way to give popular legitimacy to the law and to endorse the rhetoric of constitutionalism upon which the

<sup>1</sup> Dodson, *op. cit.*, pp. 86-7; Wakefield, *op. cit.*, pp. 247-8; *Rex v Benjamin Burgess* (1760), 2 Burr. 908, ER 97, pp. 627-8.

<sup>2</sup> Various papers in PRO, TS 11.444.1415, especially "An Historical Account of the Inclosing Richmond New Park", an MS drawn up to brief Crown counsel. Richmond citizens were uncommonly tenacious of their rights of way (or uncommonly obstructed by royalty and aristocracy). In 1806 the iron rails in front of the duke of Queensberry's villa on the Thames were broken down in a "trespass committed by agreement in order to try the right". The jury found a verdict in support of the right and against the duke: *London Chronicle*, 1-3 Apr. 1806.



security of landed property was founded.<sup>1</sup> Even so, we should not forget that the Richmond victory was, in a sense, a victory of bourgeois commoners, who commanded money and resources which the rural commoners rarely did.

## II

This chapter is not about enclosure nor about the decline of the peasantry. A novice in agricultural history caught loitering in those areas with intent would quickly be despatched. This is a tangential study of common right usages, and also of law and notions of property-right. But one cannot altogether avoid brushing against the other problems. And one must note that we still have little firm evidence as to the number of landholders who held by copyhold or other forms of customary tenure (such as beneficial leases from the church or from colleges) in the eighteenth century. A scholar with much expertise allows that the question of the proportion of landholders by customary tenures in the late seventeenth century is "almost entirely obscure", but it might have been "as many as one-third".<sup>2</sup> And it remained substantial at the end of the eighteenth — although falling away more rapidly in the last decades. The vigorous operation of the lord's court in the eighteenth century (as many county record offices can testify) is often coincident with some survival of copyhold tenures. There was certainly a substantial peasantry in England in the eighteenth and early nineteenth centuries,<sup>3</sup> and optimistic agricultural historians have sometimes told their story in such a way as to confuse two different totals:

<sup>1</sup> See my comments on "The Rule of Law" in *Whigs and Hunters*, pp. 258-69.

<sup>2</sup> Christopher Clay, in Thirsk (ed.), *Agrarian History*, V, p. 199, and pp. 198-208, and the same author's "Life-leasehold in the Western Counties of England 1650-1750", *Agric. Hist. Rev.*, xxix, 2 (1981).

<sup>3</sup> I welcome Mick Reed's "The Peasantry of Nineteenth-Century England: a Neglected Class", *History Workshop*, 18 (1984), although I am rebuked as a culprit. But what I was arguing ("Land of Our Fathers", *TLS*, 16 Feb. 1967) was that J. D. Chambers and G. E. Mingay were guilty of "statistical dilution", by watering the totals of large employers with the peasantry, hence minimising capitalist agricultural process: "the assimilation of two extremes to provide an impressionistic average does not in fact illuminate either extremity".

the acres and the people.<sup>1</sup> As I remarked in an earlier study, "the economic historian may find that the clues to expanding agrarian process lie in the 'free' [i.e. freehold or rackrent] sector, while the social historian may find that the psychological horizons and expectations of the majority of the farming community lie still within the customary sector".<sup>2</sup>

Secondly, it is now becoming clear that in the long historiographical reaction against those fine historians, Barbara and J. L. Hammond and their classic *The Village Labourer*, there has been a tendency (and in some minds an ideological determination) to seriously undercount the amount of popular protest attending upon loss of common rights or the enclosure of commons (which, as we have already seen, were not the same thing). It is heartening to see that a substantial challenge to the triumphal picture of the social consequences of agricultural improvement is now being made.<sup>3</sup> Even so, we are not going to discover that the eighteenth century was vibrant with major episodes of enclosure protest which have been somehow overlooked. There were more episodes than have been noted, but few of them were major. Resistance was more often sullen than vibrant. For every commoner "Rioutously threatening to kill

<sup>1</sup> Christopher Clay, "The Greed of Whig Bishops?: Church Landlords and their Lessees 1660-1760", *Past and Present*, 87 (1980), exemplifies this kind of confusion: (a) it assumes that the claim that church beneficial leases had equal customary security with copyhold "had no legal validity", although this was precisely the question which was at issue in the 1720s, and (b) by concentrating upon large lay tenants of church lands, the more numerous small customary tenants disappear from view, as they do so often in orthodox agricultural history.

<sup>2</sup> "The Grid of Inheritance", in J. Goody, J. Thirsk and E. P. Thompson (eds.), *Family and Inheritance* (Cambridge, 1976), pp. 328-9.

<sup>3</sup> In the area of common rights, especially J. M. Neeson, "Common Right and Enclosure in Eighteenth-Century Northamptonshire" (Univ. of Warwick Ph.D. thesis, 1978); C. E. Searle, "The Odd Corner of England: Cumbria, c. 1700-1914" (Univ. of Essex Ph.D. thesis, 1983). The cogent re-opening of arguments in K. D. M. Snell, *Annals of the Labouring Poor* (Cambridge, 1985), ch. 4, is also welcome. The most devastating critique of the assumptions and the methodology of the "optimists", insofar as these bear upon the small landholder at enclosure, is in J. M. Neeson, "The Disappearance of the English Peasantry, Revisited", in G. Grantham and Carol Leonard (eds.), *Agrarian Organization in the century of Industrialization: Europe, Russia and North America in the Nineteenth Century* (Research in Economic History, Supplement 5) (JAI Press, 1989).



or be killed, that he wd raise 500 people who wd assist in the cutting down & destroying the Mounds and fences. . . .<sup>1</sup> a dozen will be found throwing a gate off its hinges, uprooting some quicksets, or pulling down a notice of enclosure from the church porch.

Yet there was more opposition to enclosure than used to be supposed.<sup>2</sup> The problem of estimating its extent is, in part, one of the appropriate research techniques and the nature of the sources. Enclosure protests were rarely reported in central administrative archives or in London newspapers; they did not take the form of regional "uprisings", highly visible and tumultuous. They will be found (especially before 1760) more often in the exchanges of letters between estate stewards and their absent masters, treated as domestic concerns (like poaching) which could be dealt with by the magistrates' summary powers. Larger affrays might necessitate the aid of neighbours, the levying of loyal tenants and servants, or even the *posse comitatus*. In 1710, when Robert Walpole was Secretary-at-War, he received (in his private capacity) a letter from his steward, John Wrott, describing a major confrontation over common rights on Bedingfield Common. The High Sheriff of Northamptonshire, Lord Cardigan, and other gentry were there with mounted patrols. "The mob began to gather from all corners, some in disguise with masks, and in women's cloakes, and others with axes, spades, pickaxes etc." Even the men whom the Sheriff had summoned to serve in his *posse* sympathised with the mob and helped any prisoners to escape. The crowd was dispersed for the time being, but "they still persist to say the Right of Common is theirs, & next year they hope to see the Hedges demolish't".<sup>3</sup>

<sup>1</sup>Thomas Kemp of Leigh, labourer, charged with riot with twelve others unknown, in "obstructing hindring and preventing one John Andrews in marking out the Boundaries of certain. . . Inclosures", Worcs. Lent Assize, 1777, PRO, Assi 4.21. Kemp was imprisoned for six months. The enclosures were of Malvern Link Common, where three years later (Lent Assize, 1780) 21 labourers and one labourer's wife were charged with pulling down 1,100 yards of fence. See also Brian S. Smith, *A History of Malvern* (Leicester, 1964), p. 167.

<sup>2</sup>For a recent record of known disturbances see Andrew Charlesworth (ed.), *An Atlas of Rural Protest* (1983).

<sup>3</sup>Camb. Univ. Lib., C(H) MSS, correspondence, item 608, John Wrott to Walpole, dated Oundle, 31 May 1710; Sir J. H. Plumb, *Sir Robert*

The estate correspondence of one of Walpole's political allies, Lady Diana Fielding in North Wootton (Norfolk), in 1728-9 was much preoccupied with contests between labourers and tenants, on one side, and her steward and the parish constable, on the other, concerning the cutting of "whins and flags" on "the Priories", where her ladyship had made new enclosures. Rival parties converged on the common with carts to carry away the whins, "the Mobb" rescued their whins from the steward's carts, threw them about, locked the horses to the cart wheels, "barbroosly used" the steward "& broke 3 of his Ribbs & allmost kill'd him". The mob went on to "break & destroy all the Gates & fences" of the late enclosures. Labourers and tenants shared these actions, but it was easier to discipline the tenants with the threat of loss of their tenancies.<sup>1</sup>

One can turn up other affairs like this in collections of estate papers. Or they may turn up in the press. Three years before, at Stokesby (again in Norfolk), many poor people, men and women, "threw down a new Mill and divers Gates and Fences on the Marsh". Eight or ten of them were carried to Norwich where they were examined: they said they were acting for the "Recovery of their Right", since the Marsh was common until a certain gentleman had taken it away and fenced it in. "Such a beginning had Kett's rebellion", the reporter commented.<sup>2</sup> These offenders were committed to Assizes. And not infrequently Assize records show proceedings against offenders who had thrown down fences or demolished enclosures. But such actions need never come to the notice of the law, since commoners claimed (and law cautiously acknowledged) a right to throw down encroachments<sup>3</sup> and this "possessioning" was indeed one of the purposes of parish perambulations. There was a fine-drawn

*Walpole* (1972), pp. 157-8. I am not clear why Wrott was at Bedingfield (now Benefield) Common, but the letter suggests ("I hope to receive your orders") that Walpole was personally interested in the enclosure.

<sup>1</sup>Norwich and Norfolk RO, HOW 725, 734 (a).

<sup>2</sup>*Mist's Weekly Journal*, 24 July 1725. See also R. W. Malcolmson, *Life and Labour in England, 1700-1780* (1981), p. 127, and also pp. 23-35.

<sup>3</sup>Since judges did not easily condone direct action, the law on this was cautious and mainly negative: the proper course for aggrieved commoners



line between the assertion of "right" and "riot",<sup>1</sup> and the balance of evidence and also of power might be such as to settle the issue outside the courts. John Lewis, the Richmond brewer, whom we have already noted in his assertion of rights of access to Richmond Park, told a story about another pathway which he found blocked by a locked gate. He passed by with a friend and with some of his men from the

should be an action for novel disseisin: see Richard Burn, *The Justice of the Peace and Parish Officer*, 14th edn. (1780), ii, "Forcible Entry". But the right of commoners to take direct action in support of right rested upon ancient law and precedents too strong to over-rule: see the full discussion in *Arlett v Ellis* (1827), 7 B & C 347, ER 108, pp. 752-64, when the Year Book of 15 Henry 7, Brooke's Abridgement and Coke's Institutes were among authorities cited: "If the Lord doth inclose any part, and leave not sufficient common. . . the commoners may break down the whole inclosure". This was affirmed in several cases in the late seventeenth and eighteenth century (e.g. *Mason v Caesar* (Hilary 27/28 Car 2), 2 Mod 65, ER 86), although this did not prevent indictments for riot against commoners who pulled fences down. In the sixteenth and seventeenth centuries, enclosure riot could be treason, if more than forty were involved. In the eighteenth century the law supported (feebly) commoners' right to remove nuisances, to pull up fences, and to distrain supernumerary cattle on a stinted common (on which point see *Hall v Harding* (1769), 4 Burr 2425, ER 98, pp. 271ff.). They might not, however, cut down trees nor kill rabbits and dig up coney burrows: this contentious issue much preoccupied the judges in several cases, and the decisive judgement was in *Cooper v Marshall* (1757), 1 Burr 259, ER 97, pp. 303-8, for which see Hay, *op. cit.*, p. 234. Lord Mansfield pronounced that the real issue was not the legality or illegality of the coney, but "whether the commoner can do himself justice", and it was his decided view that the commoner might not. It was perhaps fortunate for commoners' rights that Lord Mansfield never sat in judgement upon fences. See also Halsbury's *Laws of England*, vi, pp. 250-4, esp. para. 655. Fences might also be removed in pursuance of an order from a manorial court. See Roger B. Manning, *op. cit.*, pp. 40-2.

<sup>1</sup>In 1698 there was an attempt to strengthen and enforce statutes of Edward I and Edward VI against the burning and destroying of enclosures, and a bill was read for the first time: but it met with fierce counter-petitions from Lincolnshire parishes adjoining Epworth Common, and it seems to have been dropped: *Commons Journals*, xii, pp. 38, 47, 96. The Black Act (1723) had ample provisions which might be used against rioters, irrespective of the justice of their cause: see my *Whigs and Hunters, passim*. Parliamentary enclosure was given a new set of teeth, under 9 Geo. III, c. 29, whereby pulling down fences of lands enclosed "in pursuance of any act of parliament" was made felony, with penalty of seven years transportation. I do not recall finding any offender so sentenced under this Act.

brewery the day before "our annual parochial procession at Richmond" —

'My lads', says I; 'take care to bring your hatchets with you tomorrow to cut down this gate, for we must go through it to our bounds'. 'Don't speak so loud,' said my friend: 'or you will be heard by the people at the Princess Dowager's.' 'Oh,' I replied, raising my voice: 'I have no objection to be heard. I am John Lewis of Richmond, and mean to knock down this gate tomorrow for a passage according to custom.'

But on the next day "the processioners" found that the gate's lock had been taken off.<sup>1</sup>

In a parish perambulation, some labourers might carry "an axe, a mattock, and an iron crow. . . for the purpose of demolishing any building or fence which had been raised without permission" on the common or waste.<sup>2</sup> This was stubbornly maintained as a lawful assertion of right. But this is also exactly what some offenders are indicted for in Assize records: at Feckenham (Worcestershire) in 1789 for "pulling down, prostrating and destroying with bilhooks, spades, mattocks, axes, saws" etc. fourteen yards of quickset fences;<sup>3</sup> at Culmstock (Devon) in 1807 for coming into a garden and orchard with hatchets, saws, pickaxes, spades and shovels, throwing down the fences, digging up the ground, erecting a tent to keep the owner (or the pretended owner) out of possession;<sup>4</sup> at Porlock (Somerset) in 1774 for entering a garden, throwing down hedges and fences, spoiling and carrying off garden stuff.<sup>5</sup> These could have been little affrays or "riots"<sup>6</sup> or they could have been actions deliberately

<sup>1</sup>Wakefield, *op. cit.*, p. 251.

<sup>2</sup>See Bob Bushaway, *op. cit.*, p. 83.

<sup>3</sup>PRO, Assi 4.22, Worcester, Lent 1789. Those charged were a labourer, a husbandman, a butcher, a cordwainer, four yeomen and four needlemakers.

<sup>4</sup>PRO, Assi 24.43, Devon, Summer 1807. Those charged were a spinster ("left the kingdom"), four labourers, and a labourer's wife.

<sup>5</sup>PRO, Assi 24.42, Somerset, Summer 1774: a shopkeeper, a carpenter, a yeoman, and four labourers charged, all found not guilty.

<sup>6</sup>They certainly could stir up strong feeling. When a crowd in the nail-making village of Kingswinford broke down a nailer's fences, pulled up his posts and destroyed his potatoes and beans, one of the crowd (Elizabeth Stevens) threatened to kill two women and "wash her hands in their blood": PRO, Assi 4/22, Worcester, Lent 1789. Three nailers, one nailer's wife, one labourer, two labourers' wives charged.



intended to bring on a case which would try their "right".

Even when riots did occur these need not become visible to historians. Magistrates and gentry were expected to take care of episodes in their own neighbourhood without recourse to troops. When troops were sent to put down rioting "in the new inclosed fields of West Haddon" (Northamptonshire) in 1765, the magistrate was reminded that "until the utmost extent of legal authority shall have been tried, application should not be made for military assistance".<sup>1</sup> In the same year, when forty-odd Banbury rioters were pulling down the fences of a newly-enclosed estate at Warkworth, a company of gentlemen were informed of it at dinner; they instantly were willing to forego their port, mounted their horses, descended on the "levellers" and routed them.<sup>2</sup> Knowledge of a more substantial enclosure riot at Maulden, (Bedfordshire) in 1796, in which two hundred poor people were involved, survives only because a letter about it was preserved in a War Office file of precedents.<sup>3</sup>

But problems and techniques of recovering the evidence is the lesser part of the story. In a study which demands that we review not only our methods but the whole problem, Jeanette Neeson has shown that historians may have been looking in the wrong places and for the wrong things. She presents cogent reasons for supposing that "parliamentary opposition and riot were the least effective, and probably least common, means of opposing enclosure".<sup>4</sup> And re-directing attention to the full length of the enclosure process, from its first promotion to its often-long-delayed implementation, she shows an astonishing volume and a variety of forms of protest — hitherto hidden from view in local records — lobbying, letters, petitions, the mobbing of surveyors, the destruction of records, and on to arson, riot, and fence-breaking, which might continue for years after

<sup>1</sup>PRO, WO 4.172.

<sup>2</sup>*Gentleman's Magazine*, (1765), p. 441.

<sup>3</sup>James Webster, 2 August 1796, in PRO, WO 40.17. I am indebted to Patricia Bell, when Assistant Archivist at the Bedford CRO (in 1968), for discovering more about this riot at which, it seems, the duke of Bedford was present (not, I think, as a rioter): papers then in R box 341.

<sup>4</sup>J. M. Neeson, "The Opponents of Enclosure in Eighteenth-Century Northamptonshire", *Past and Present*, 105 (1984), p. 117.

enclosure was completed. Nor was this stubborn resistance without function. It can be shown to have delayed enclosures, on occasion for decades, and it may sometimes have modified their terms. "If landlords and farmers eventually won the battle for enclosure, rural artisans and agricultural labourers may have had some say in the terms of surrender."<sup>1</sup>

If Dr Neeson's findings for Northamptonshire should be supported by research into other counties, this will change our understanding of eighteenth-century enclosure, and the depth of hostility with which it was regarded by a large part of the rural community. Opposition was in general overcome in the end; open fields were almost without exception enclosed by 1850, and opposition rarely kept commons and wastes open for much longer, except in special circumstances which include large wastes upon which several villages inter-commoned, forest and fenland regions, and commons contiguous to market towns or larger urban centres. Urban protests over common rights were often more formidable and more visible than rural, and while they clearly are not characteristic of agrarian custom they may still afford one point of entry into general questions of common right.

The most obvious reason for urban success is simply that of greater numbers, and the anonymity which numbers supplied to rioters. By no means all the effective urban enclosure riots arose from incorporated boroughs. But the question of incorporation is of real significance, since it distinguishes between prescriptive rights and rights established by custom. Custom is laid upon the land, but prescription "is alledged in the Person": "it is always made in the Name of a Person certain, and his Ancestors, or of those whose Estate he hath", and is normally established by the recitation of the original Grant or Charter.<sup>2</sup> Boroughs incorporated by Charter were legal personalities, whose freemen might therefore plead prescriptive rights more generous than those which law would recognise for custom. In the important decision in *Gateward's Case* (below, p. 130) it was ruled that

<sup>1</sup>Neeson, *op. cit.*, p. 131.

<sup>2</sup>Carter, *Lex Custumaria*, pp. 37-42; Sir W. Blackstone, *Commentaries on the Laws of England* (1765-9), ii, p. 33.



"inhabitants" cannot prescribe to have profit in another's soil, with the reservation "unless they be incorporated".<sup>1</sup> If prescriptive rights to the use of common were granted by charter to a corporation, then the exercise of these rights (and the persons entitled to exercise them) became a matter not for the courts to decide but for the intramural regulation of the corporation.

In fact the often-cited charters from which townsmen derived their rights to the use of town lands are often as ambiguous and as open to various interpretations as rights in manorial villages. We can see this in the case of Coventry. The right was claimed as derived in the first place from a grant of Sir Roger de Montealto (1249) reserving to the "communiariis" "reasonable pasture" for as many beasts "with which they may conveniently plough and carry their arable lands, and which, by reason of those lands, as well of right as of custom, they ought and were wont to have common". This was englished — I suspect by a popular sea-lawyer in the late seventeenth or early eighteenth century — as "saving to all Cottiers reasonable Pasture and Commons for soe many Beasts as they bin abel hereafter to keepe and which they ought and were wont to have as wel by Right as by Customs".<sup>2</sup> As both land and rights became more valuable, attempts to limit these rights or to enclose lands were met with riotous resistance in 1421, 1430, 1469, 1473, 1495, and 1509,<sup>3</sup> while further enclosure was successfully resisted in a

<sup>1</sup>*Smith and Gateward* (4 Jac. I), Cro Jac 152, ER 79, p. 133. This was tightened in *Grimstead v Marlowe* (1792), 4 TR 717, ER 100, p. 1263: a tenant or inhabitant claiming prescriptive right may plead only by virtue of an ancient messuage tenure or as a member of a corporation, not *in alieno solo*.

<sup>2</sup>W. Reader, *Some History and Account of the Commons and Lammas and Michaelmas Lands of the City of Coventry* (Coventry, 1879), pt. One, p. 8; Humphrey Wanley, *A Particular and Authentic Account of the Common Grounds of . . . the City of Coventry* (1778), p. 4.

<sup>3</sup>*Victoria County History, Warwickshire*, viii, pp. 202-3. The historian of medieval Coventry is perhaps too dismissive of these small extra-urban matters ("the details do not concern us"): Charles Phythian-Adams, *Desolation of a City* (Cambridge, 1979), p. 183. For Rogation-tide perambulation of the commons in Coventry's calendar, see his "Ceremony and the Citizen", in Peter Clark and Paul Slack (eds.), *Crisis and Order in English Towns, 1500-1700* (1972), pp. 77-8.

major riot in 1525.<sup>1</sup> The definition of who possessed commoners' rights may have hardened only in the seventeenth century. An entry in the Court Leet book in 1663 suggests that all who "inhabit and pay Scot and Lott" had common right (this being a narrower definition than earlier entries suggest).<sup>2</sup> A more popular notion was that the land belonged to the "Mayor, Bailiffs and Commonalty of the City. . . and one Million and others were seized of the said Manor".<sup>3</sup> In 1674 this was clearly defined as freemen enrolled in companies. Throughout the eighteenth century freemen's rights were jealously maintained, especially through the means of apprenticeship; and into the nineteenth century rights in the Lammas Lands were signalled annually (as they were in other towns) by the Lammas riding, when the corporation and freemen rode the boundaries of the fields, trampled any corn grown in them (unless propitiated by supplies of ale and food) and tore down gates and obstructions.<sup>4</sup>

Coventry now in the nineteenth century was hemmed in on all sides by Lammas Lands, which increased the density of the population, and meant that the potential value of the lands as building sites rose annually. Eventually the freemen, after much controversy and a long and crafty negotiation, sold out their rights in exchange for a considerable allocation of these lands. By this time the freeman right had fallen into the hands of a minority (although a large one). Joseph Gutteridge, a ribbon-weaver, felt that the mid-century contest concerned only the rights of a privileged group. But he still regretted the loss of lands which in his youth, in the 1820s, were a "veritable paradise. I would roam over them

<sup>1</sup>Phythian-Adams, *Desolation of a City*, pp. 254-7. The riot succeeded in re-opening the enclosures, p. 257. See also R. J. Tawney, *The Agrarian Problem in the Sixteenth Century* (1912; reprint 1967), p. 250 for the city's dispute with the Prior and Convent of St. Mary over sheep commons.

<sup>2</sup>Coventry Leet Book, transcript and summary (compiled by Levi Fox?), Coventry RO, shelf 16.

<sup>3</sup>This rhetorical claim was made by the defendant in *Bennet v Holbech* (22 Charles II), 2 Wms Saund 317, ER 85, pp. 1113-6.

<sup>4</sup>Benjamin Poole, *Coventry: its History and Antiquities* (1879), p. 354.



without let or hindrance. . .".<sup>1</sup>

We have here a mixture of prescriptive right, myth, and assertion by tumultuous numbers. The intramural contest over the exercise of rights arose when the alienation of urban common was undertaken by the Corporation itself, in the name of freeman rights which were themselves becoming more exclusive and corrupt. When the Leicester Corporation enclosed the South Fields in 1753, and let them to three lessees (including two aldermen) riots continued for at least three years, in which the "post and rails and Quick sette. . . set down for the fencing of the said fields" were "Cut Down pulled up and Distroyed by great Numbers. . . in a most riotous and tumultuous manner". The enclosure, first attempted in 1708, was not completed until 1803.<sup>2</sup> In Nottingham where six hundred acres of Lammas Lands and another three hundred and fifty acres of pasture with common right remained open into Victorian times, a witness before the Select Committee on Commons Enclosure (1844) found that this had a most prejudicial effect upon the morals of the people:

It occasions very great disrespect to the laws of the country generally; as an instance. . . when the day upon which the lands become commonable arrives [usually August 12th]. . . the population issue out, destroy the fences, tear down the gates, and commit a great many other lawless acts, which they certainly have a right to do, in respect of the right of common to which they are entitled. . . the consequence is constant violence and abuse.

The witness explained that the freemen were "all voters, which is a great misfortune, and they are misled with respect to their rights, and the value of them, by parties who have recourse at the periods of election to courses of agitation". They had exercised rights over the Lammas Lands for many years, and "being a very numerous body, and many of the

<sup>1</sup> Joseph Gutteridge, *Lights and Shadows on the Life of an Artisan* (Coventry, 1893), pp. 5-6; P. Searby, "Chartists and Freemen in Coventry, 1838-60", *Social History*, 2 (1977).

<sup>2</sup> C. J. Billson, "Open Fields of Leicester", *Trans. Leics. Archaeol. Soc.*, (1925-6), IV, pp. 25-7; Eric Kerridge, *Agrarian Problems in the Sixteenth Century and After* (1969), p. 98; *Records of the Borough of Leicester* v and vi.; A. Temple Patterson, *Radical Leicester* (Leicester, 1953).

body being of a very low class of society, they are enabled to resort to acts of violence which could not be resorted to by an incorporated body. . .".<sup>1</sup> Rights by prescription and rights by the assertion of usage had become altogether indistinct.

Nottingham and other commoners were offered by the printers "No Inclosure!" ballads, perhaps more likely to be read than sung: "You Freemen all of Nottingham come listen to my Song":

Your Rights and your Liberties I would have you to revere,  
And look unto Posterity I think them always dear;  
To us to our Children by the Charter that prevails,  
So now my Boys united be and have no Posts or Rails. . .

Let's suffer no Encroachments upon our Lane to be,  
But to repel such Tyranny let's ever now agree;  
But let ev'ry brave Freeman enjoy his Right of Land.<sup>2</sup>

The more that one looks, the more that one finds such disputes to be normal, in great towns and in small. They could be massive and very violent, as was the dispute in Sheffield in 1791. A private act had been passed to enclose six thousand acres of common and waste adjacent to the town, compensating the poor with two acres only. This precipitated spectacular riots, which may have influenced the citizens to turn in a Paineite or "Jacobin" direction. The enclosure commissioners were mobbed; the debtors' gaol was broken open and the prisoners released; there were cries of "No King!" and "No Taxes!".<sup>3</sup> Or the affairs could be small and symbolic, as at Streatham Common in 1794 when six men in black drove up in a hackney coach and demolished the duke of Bedford's paled inclosure.<sup>4</sup> London and its environs would have no parks today if commoners had not asserted their rights, and as the nineteenth century drew on rights of

<sup>1</sup> *PP*, 1844, v, pp. 223-6.

<sup>2</sup> *A New Song, entitled No Inclosure! Or, the Twelfth of August* (Tupman, printer, n.d.), in Nottingham Univ. Lib.; my thanks to Roy Palmer.

<sup>3</sup> William Eyre, 30 July 1791, in PRO, HO 42.19; Albert Goodwin, *The Friends of Liberty* (1979), pp. 164-5; John Bohstedt, *Riots and Community Politics in England and Wales* (1983), pp. 199-200.

<sup>4</sup> *Gentleman's Magazine*, (1794), p. 571. At the same time a "mob of poor people" burned the furze on the common because the duke had been selling it for his own profit.



recreation became more important than rights of pasture, and were defended vigilantly by the Commons Preservation Society.<sup>1</sup> We owe to these premature "Greens" such urban lungs as we have.<sup>2</sup> More than that, if it had not been for the stubborn defence by Newbury commoners of their rights to Greenham Common, where on earth could NATO have parked its nukes?<sup>3</sup>

### III

Yet we should not press the distinction between prescriptive rights and rights established by custom too far. Although urban commoners might appeal to "chartered rights", when they succeeded it was through the assertion of usage, sheer numbers, political muscle. And the law was open to manipulation. "Prescription" could be a legal fiction, a suppositious (but unrecorded) grant.<sup>4</sup> Perhaps we should

<sup>1</sup>A mass of information on the law of commons, with particular relevance to the environs of London, is in G. Shaw-Lefevre (ed.), *Six Essays on Commons Preservation* (1867). The Commons Preservation Society was founded in 1866. Much information on commons, especially surrounding London, is in G. Shaw-Lefevre, *English Commons and Forests* (1894), subsequently revised as Lord Eversley, *Commons, Forests and Footpaths* (1910).

<sup>2</sup>But this could be a double-sided process. Commons contiguous to towns could become marginal zones with "rough" and dubious reputations, and regulated public parks could be a way of extinguishing rights and imposing social discipline: see Raphael Samuel, "Quarry Roughts", in *Village Life and Labour* (1975), esp. pp. 207-27; N. MacMaster, "The Battle for Mousehold Heath", *Past and Present*, no. 127, May 1990.

<sup>3</sup>"A regularly organised mob of many hundreds of the most abandoned and dissolute characters" threw down an encloser's fences "with most terrific hooting and abuse" on Newbury's commons in 1842: "To the Inhabitants of Newbury", 4 page printed broadside, signed R. F. Graham, Greenham, 30 Sept. 1842, in Berks. CRO D/Ex 24123 I.

<sup>4</sup>Late medieval law required that user should be shown since 1189: the fictional doctrine of presumed grant appeared early in the seventeenth century, but was most strongly argued in terms of easements: by Lewis v Price (1761) only twenty years enjoyment of use could be evidence of a suppositious grant: see A. W. B. Simpson, *A History of the Land Law*, 2nd edn. (Oxford, 1986), pp. 107-10, 266-7. In the nineteenth century sixty years uncontested user could establish forestal commonage — "the law presumes a grant"; Lord Hobhouse commented, "In plain English, this presumption of grants is a legal fiction resorted to for the purposes of justice": Eversley, *op. cit.*, p. 107.

turn the problem around. In the towns commons were often defended with more success than in the countryside. Does this tell us anything about right, and about property and law?

The tone of some writing on agricultural history suggests that there is little we need to know about law. Even Professor Hoskins, in his sympathetic and informative study of common lands, allows himself to state that "contrary to widespread belief. . . all common land is private property. It belongs to someone, whether an individual or a corporation, and has done so from time immemorial".<sup>1</sup> That might find a legalistic justification — of course Hoskins was simplifying his account — but "belonging", private property in land, is itself a concept which has had a historical evolution. The central concept of feudal custom was not that of property but of reciprocal obligations.<sup>2</sup> An authority on land law suggests that common rights —

arose as customary rights associated with the communal system of agriculture practised in the primitive village communities. At a very early period such villages would be surrounded with tracts of waste land. . . . On such land the villagers as a community would pasture their beasts and from it they would gather wood and turf and so forth. In the course of time, when the increase of population and the reduction in the quantity of uncultivated land started to produce crowding and conflict, their rights would tend to become more clearly defined but would still be communal rights, principally over waste lands regarded as the lands of the community itself. The tenurial system converted the villagers into tenants, and *the theory of the law* placed the freehold of most of the lands of the manor in the lord. Some of his tenants, it is true, will be freeholders, but the majority hold unfreely in villeinage, and the pre-eminence of the lord makes it natural to treat him as the 'owner' of the waste lands. Thus *a theory of individual ownership* supplants earlier more egalitarian notions.<sup>3</sup> (My italics.)

That is not quite "belonging" from "time immemorial". One is reminded of the saying addressed by Russian serfs to their lords: "We are yours, but the land is ours."<sup>4</sup>

It was Tawney's view that, in such matters as common of pasture, "communal aspirations are a matter of feeling and

<sup>1</sup>Hoskins, *The Common Lands of England and Wales* (1963), p. 4.

<sup>2</sup>See S. F. C. Milsom, *The Legal Framework of English Feudalism* (Cambridge, 1976).

<sup>3</sup>Simpson, *op. cit.*, p. 108.

<sup>4</sup>J. Blum, *Lord and Peasant in Russia* (Princeton, 1971), p. 469.



custom, not of national law".<sup>1</sup> These "communal aspirations" persist into the eighteenth century where they co-exist with the most scrupulous regulation of common rights and stints by village by-laws (and *lex loci* of manorial courts) and by rigorous definitions of common rights (appendant, appurtenant, of gross, and by vicinage) at national law. Law and usages may often seem to be at odds with each other. Authorities agree that in many parts of England and Wales, the cottagers and the landless exercised use-rights — of turbary, estover, and often of pasturage on waste (and sometimes Lammas lands or grazing over the harvested common fields). Thus Gonner: "Throughout the country it may be said that often the poor living near the commons, wholly without question of the occupation of ancient cottages, came by usage to enjoy the minor rights of common", including grazing for pigs, geese and sometimes cows.<sup>2</sup> Most authorities go on to state flatly that these minor rights of common had no basis in law and were illegally exercised or usurped. And in a self-fulfilling argument the statement is confirmed by the evidence that they usually received no compensation for such rights at enclosure. Thus Kerridge: "Occupiers of poor law and other newly erected cottages, and generally all squatters on the waste, were not entitled to rights of common, so no allotment was due to them."<sup>3</sup> And thus Chambers and Mingay:

The *occupiers* of common right cottages. . . who enjoyed common right by virtue of their *tenancy* of the cottage, received no compensation because they were not, of course, the owners of the rights. This was a perfectly proper distinction between owner and tenant, and involved no fraud or disregard for cottagers on the part of the commissioners.<sup>4</sup>

Yet this is to assume two things: first, the priority of "the theory of the law" over usages, and, second, the propriety of splitting off the rights from the user. But these are, precisely, the questions to be examined. If Coke's definition be followed — "Customs are defined to be a law or right not

<sup>1</sup> Tawney, *op. cit.*, p. 246.

<sup>2</sup> Gonner, *op. cit.*, p. 31.

<sup>3</sup> Kerridge, *op. cit.*, p. 80.

<sup>4</sup> J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (1966), p. 97.

written; which, being established by long use and the consent of our ancestors, hath been and is daily practised"<sup>1</sup> — then in many parishes the exercise of minor rights of common might have been proved by antiquity, continuance, certainty and reason as well as those of the landholders and customary tenants. Custom (Coke explained) takes away the common law, yet the common law might correct on such grounds, and especially on the grounds of reason. Kerridge, in one of his intemperate attacks upon Tawney, writes:

The common law could only allow and confirm customary laws that were reasonable, certain, on good consideration, compulsory, without prejudice to the king, and to the profit of the claimant. Tawney assumed that 'reasonable' in this context was used in a loose or general sense, and that the lord's interests were more likely to seem reasonable to the lawyers than were the customer's; but 'reasonable' and 'unreasonable' are legal terms of art and mean 'compatible', 'consonant', 'consistent', 'reconcilable', or their opposites. A reasonable custom was one that could be reconciled with the other customary laws of that manor and with the common law. Thus to disallow unreasonable customs was, in almost every instance, to reject fraudulent ones.<sup>2</sup>

I cannot in any way accept Kerridge's assurances as to the powers of the common law over custom, which confuse the essential and the trivial, omit the criteria of antiquity and continuous usage, and mistake the true relation between the two.<sup>3</sup> The common law did not sit on high to "only allow and confirm" those customs which it approved; on the contrary, it might only disallow custom if it could fault it on these (and certain other legal) grounds, and only then when a case was referred to the common law courts. Nor, as it happens, can I find that Tawney wrote the opinions which Kerridge puts into his mouth.

"Reasonable" and "unreasonable" may be "legal terms of art" but on a very brief view of case law they were gates through which a large flock of other considerations might

<sup>1</sup> Co. Coph. S. 33.

<sup>2</sup> Kerridge, *op. cit.*, p. 67.

<sup>3</sup> Blackstone, *Commentaries*, i, pp. 76-8, lists as grounds for making custom good: (1) Antiquity ("so long that the memory of man runneth not to the contrary"); (2) Continuity; (3) Peaceable user; (4) Must not be unreasonable (at law); (5) Certainty; (6) Compulsory: i.e. not optional; and (7) Consistency.



come baaing and grunting onto the fields of the common law. Perhaps no case was more often cited in its bearing upon the marginal use-rights of the villager than *Gateward's Case* (1607). This was both a terminus of precedent judgments and the ground upon which many subsequent judgments stood. Defendant had pleaded common right "*ratione commorantiae et residentiae suae*" in the town of Stixwold in Lincolnshire. This was disallowed because the defendant was occupier of a house in which he had no interest —

No certain time or estate, but during his inhabitancy, and such manner of interest the law will not suffer, for custom ought to extend to that which hath certainty and continuance.

These are "legal terms of art", although we slide along them from the use-right to the user to his house: "For none can have interest in a common in respect of a house in which he hath no interest." But in disallowing all "inhabitants" or "residents" from the further ground of reasonableness was added that "no improvements can be made in any wastes, if such common should be allowed".<sup>1</sup> The court could not have known that in 350 years time, when the term "improvement" had acquired a new resonance, they had licensed a motorway to carry political economy across the commons.

*Gateward's Case* was technically brought in restraint of a gentleman who was grazing Stixwold commons, although it seems that in fact *Gateward* had come forward as a champion of the customary use-rights of the poorer inhabitants also.<sup>2</sup> The cases which came up to the common law courts for a hundred years or more rarely concerned the minor rights of common. They concerned the regulation and adjustment of more substantial landholding interests. Attention was paid to the definition of common appendant and appurtenant: appendant belonged to occupiers of arable land, and carried right to place commonable beasts (those who plough and manure the arable) on the lord's waste. Levancy and

<sup>1</sup> *Gateward's Case* (4 Jas I), 6 Co Rep 59b, ER 77, pp. 344-6; *Smith v Gateward* (4 Jas I), Cro Jac 152, ER 79, p. 133. See also my comments in *Family and Inheritance*, pp. 339-41.

<sup>2</sup> For the background to *Gateward's Case*, see Manning, *Village Revolts*, pp. 83-6.

couchancy stinted the right to the number of beasts that could be wintered on the arable holding. Common appurtenant was attached not to land but to a dominant tenement, and it extended to other stock, such as hogs, goats, geese, and rested upon immemorial usage and prescription. Decisions did not go only one way. On occasion the lord's rights to waste the common, carry off soil, or warren the waste with "coney-boroughs" were restrained. There were even decisions where substantial landholders excluded the lord from parcels of his own waste, under the same levancy and couchancy rule which excluded cottagers. But at least one such judgement against a Suffolk lord of the manor, in 1654, proved ineffectual, not because it was bad law but because it was unenforceable. Sir Francis North, in a learned argument in *King's Bench* in 1675, observed that it had been —

A case of small consequence that concerned the lord only for his costs, for he has enjoyed his feeding against that verdict ever since: I can say it upon my own knowledge, for I know the parties and I know the place. . . I may add that this was in popular times, when all things tended to the licentiousness of the common people.<sup>1</sup>

By the mid eighteenth century the law had clearly ruled that levancy and couchancy were incident to common appendant as well as common appurtenant. In 1740, in a case arising from Mark in Somerset concerning the overstocking of *Somer Leaze*, the court acknowledged that —

There are indeed some cases in the old books. . . which speak of common sans nombre, and which seem to imply that levancy and couchancy is only necessary in the case of common appurtenant, and not in the case of common appendant. But the notion of common sans nombre, in the latitude in which it was formerly understood, has been long since exploded, and it can have no rational meaning but in contradistinction to stinted common, where a man has a right only to put in such a particular number of cattle.<sup>2</sup>

At the beginning of the century the courts had found a generous interpretation of common appurtenant. A claim of common for cattle levant and couchant on a cottage was

<sup>1</sup> *Polter v Sir Henry North* (26 Charles II), 1 Ventris 383, 397, ER 86, pp. 245-54; the place was Elinswell, near Bury St Edmunds.

<sup>2</sup> *Robert Bennett v Robert Reeve* (1740), Willes 227, ER 125, pp. 1144-7.



found good, even if it had no land, since "a cottage containeth a curtilage, & so there may be levancy. . . We will suppose that a cottage has at least a court to it".<sup>1</sup> The contest around this swayed back and forth. Did a butcher who kept sheep in his cellar have levancy and couchancy? The dispute was finally concluded in the high enclosure years, in 1792, when it was determined that the cottage must carry sufficient land for levancy and couchancy.<sup>2</sup>

When minor rights of common acquired a new value, either in the market (the sale of clay, peats, wood) or in compensation at enclosure, the courts gave them more serious attention. Now the decision in Gateward's Case came into new effect. When it was claimed, in 1741, that the right of turbary was a custom laid "not only in the tenants but the occupants" of a Cambridgeshire village, the court found this "a very great absurdity, for an occupant, who is no more than a tenant at will, can never have a right to take away the soil of the lord".<sup>3</sup> In 1772 King's Bench took a more liberal view of the right to cut rushes, in a case that arose from Theberton in Suffolk, accepting oral testimony that "everybody in the world may cut rushes on the common".<sup>4</sup> But this was reversed only two years later in a case arising from Ludham Waste in Norfolk. It was accepted that copyholders, occupiers of lands and occupiers of ancient houses might set up a custom to cut turfs or rushes, but "inhabitants cannot, because inhabitancy is too vague a description. . .".<sup>5</sup> In the same tradition the claim — arising from Whaddon, Buckinghamshire — for "all and every the poor, necessitous and indigent. . . householders" to gather and break with woodhooks rotten boughs in two coppices was disallowed because "there is no limitation. . . the description of poor householder is too vague and uncertain".<sup>6</sup>

It is not suggested that these decisions were unreasonable, nor that they denied the "legal terms of art". Most decisions

<sup>1</sup>*Emerton v Selby* (2 Anne), 2 Ld Raym. 1015, ER 92, p. 175.

<sup>2</sup>*Scholes v Hargreave* (1792), 5 Term Rep 46, ER 101, p. 26.

<sup>3</sup>*Dean and Chapter of Ely v Warren*, 2 Atk 189-90, ER 26, p. 518.

<sup>4</sup>*Rackham v Joseph and Thompson* (1772), 3 Wils KB 334, ER 95, pp. 1084-7. A full and interesting report.

<sup>5</sup>*Bean v Bloom* (14 Geo. III), 2 Black W 926, ER 96, pp. 547-9.

<sup>6</sup>*Selby v Robinson* (1788), 2 T R 759, ER 100, p. 409.

arose — at least until the mid eighteenth century — not with the intention of cutting off the petty exercise of minor rights of common, but in disputes between larger operators, with the intention of restraining the exploitation of these rights by interlopers and entrepreneurs. Thus in *Bennett v Reeve*, in 1740, the complainant had taken a ninety-nine year lease of one yard parcel in Old Auster, which carried right of common appendant, and on the basis of this square yard had turned sixty-four sheep onto Somer Leaze. Other cases arose from the exploitation of suppositious rights to sell peats, timber, clay, or (in the case of Norfolk rushes) a blacksmith carrying off rushes by the wagon load. Gateward's Case itself was aimed, not against the poor parishioner's cow or geese, but against a gentleman interloper.

Yet within this rationality there was evolving — as Tawney rightly saw — the ulterior rationality of capitalist definitions of property rights. I will not court an action for trespass into the lands of medieval historians in an attempt to define what, in origin, was meant by "the lord's waste" or "the soil of the lord". But both agrarian and legal historians appear to agree that the notion of the origin of common rights in royal or feudal grants is a fiction. Dr Thirsk has suggested that rights of grazing over pasture and waste were perhaps "the oldest element" in the common field system, descended from "more extensive rights. . . enjoyed from time immemorial", which Anglo-Saxon and Norman monarchs and lords did not graciously institute but, rather, regulated and curtailed.<sup>1</sup> And we have seen that it was "the theory of the law" (above, p. 127) which placed the freehold of the manor in the lord. But this was not in terms of subsequent notions of exclusive "ownership" or property: it was, rather, "in fee simple" and in feudal terms of law. So long as wastes remained extensive and unstinted, landowners and commoners might co-exist without precise definitions of rights. As late as 1620 in a case concerning Holme-on-Spalding Moor a witness deposed that he knew not if a teneement built on the common sixty years before had common by right or "by sufferance or negligence of the freeholder", since

<sup>1</sup>Joan Thirsk, "The Common Fields", *Past and Present*, no. 29, December 1964.



at the time it was built "the freeholder made little reckoning of common for so small goods as was then put upon the said common by the said tenants".<sup>1</sup> In a survey of Chilvers Coton (Warwickshire) in 1682 there is a very specific itemisation of freehold and copyhold in the open fields, but the homage becomes vague when it comes to common rights in the waste:

What beasts sheep or other cattle the Lord of this manor as such or his ffarmour may keep in Coton or Nuneaton Outwood wee do not precisely know, but the present Lord . . . doth claim a right to keep all manner of cattle but so as not to oppress our Commons.

One notes the phrase "our Commons". As we shall see, in village by-laws common rights in waste land are often expressed in loose or uncertain terms — sometimes all tenants, or copyholders, sometimes "all within this manor", or "inhabitants", or "cottiers", or "parishioners" — *except* when they are referred to the courts. Legal definitions are generally more precise than actual usages, and they may become more so the higher they go up the ladder of law.

There were two occasions which dictated absolute precision: a trial at law and a process of enclosure. And both occasions favoured those with power and purses against the little users. In the late seventeenth century and certainly in the eighteenth the courts increasingly defined (or assumed without argument) that the lord's waste or soil was his personal property, albeit restrained or curtailed by the inconvenient usages of custom. If the lord's access to any part of "his" soil should be restricted "this will be a ready way to enable tenants to withstand all improvements".<sup>2</sup>

Gateward's Case, and successive decisions in this spirit of "improvement", drew an expert knife through the carcass of custom, cutting off the use-right from the user. In one single operation this restrained unlicensed large interlopers, graziers and the like, in the interests of the landholders and customary tenants, and it altogether disqualified indistinct categories of small users, who held neither land nor ancient cottage tenures. While this may not have affected actual village

<sup>1</sup>Joan Thirsk, *Tudor Enclosures* (Hist. Assn. 1967), p. 10.

<sup>2</sup>*Polter v Sir Henry North* (26 Charles II), 1 Ventris 397, ER 86, pp. 245-54.

usages much it could leave the landless commoner stripped of any rights if a case came to the courts, or at the point of enclosure. The right of use had been transferred from the user to the house or site of an ancient messuage. It became not a use but a property.

This did not happen instantly nor without ambiguities. The logic of capitalist rationality was delayed by deeply-rooted copyhold and customary tenures.<sup>1</sup> Common appendant could not be detached and sold away from land, although at enclosure it was of course the land's owner and not its user (if farmed by a tenant) who could cash the right. Common appurtenant could be sold with a cottage or with the site of an ancient messuage, carrying so many gates (or grazing rights for beasts) on the common. But this was not a novelty, and legal historians can press us back as far as the twelfth century when certain incorporeal rights (such as church advowsons) began to be treated as properties or "things". Yet this was construed as a right in the "things", not to "own" the thing itself — "a present right" to use or enjoy.

What was happening, from the time of Coke to that of Blackstone, was a hardening and concretion of the notion of property in land, and a re-ification of usages into properties which could be rented, sold or willed. For good reason Blackstone entitled volume two of his *Commentaries*, "Of the Rights of Things" — not because these rights were a novelty (they were an ancient chapter of the law) but because the market in these rights was never more active, or more prolific in tests at law than at this time. Moreover, one might notice that Blackstone referred, not to rights *to* things, but to the rights *of* things. The eighteenth century sees this strange period of mixed law in which usages and rights were attached

<sup>1</sup>The lord's right over copyholders' timber was strongly contested, and although it moved in favour of the lord in *Ashmead v Ranger*, decided finally in the House of Lords (1702) by a bare majority of 11 to 10, it was not a decisive victory: see Allan Greenbaum, "Timber Rights, Property Law, and the Twilight of Copyhold", (MS Osgoode Hall Law School, York University, Toronto).

<sup>2</sup>Simpson, *op. cit.*, pp. 103-6; C. B. Macpherson, "Capitalism and the Changing Concept of Property", in Kamenka and Neale (eds.), *Feudalism, Capitalism and Beyond* (1975), p. 110.



to office or to place and then were regarded as if they were things which commanded human rights in their turn. The Rangership of a forest or park could be sold, with the powers, perquisites and rights attached to the office.<sup>1</sup> An ancient messuage (or its site) commanded rights of common, and the thing could be transferred between owners. And in much the same way decisions of the House of Commons in disputed cases tended to re-ify the definition of those who might be electors in boroughs from indistinct categories such as "inhabitants" or the "Commonalty in general" to inhabitants paying scot and lot, and thence to persons inhabiting ancient houses or houses built on ancient foundations (Bridport, 1628 and 1762; Arundell, 1693 and 1715; Bramber, 1715). In Seaford in 1676 the Bailiffs, Jurors and Freemen "had not only voices. . . but also the Election was in the populacy" but in 1761 "the word *populacy*. . . extends only to Inhabitants Housekeepers paying scot and lot", a decision in the same tradition as Gateward's. In Hastings, 1715, electors were confined to "all with estate of inheritance or for life in Burgage Houses or Burgage Lands" within the borough.<sup>2</sup> This led on to the absurdities of the Unreformed House of Commons, where the right of election could lie in dove-cots, pig-styes, a thorn tree or a quarry, and was exercised by the owners of these things by various fictions and stratagems. "The custom of attaching Rights to *place*, or in other words to inanimate matter, instead of to the *person*, independently of place, is too absurd to make any part of a rational argument" — thus spake Tom Paine.<sup>3</sup>

The re-ification — and cashing — of usages as properties came always to a climax at the point of enclosure. The owners of land and not the tenants (unless customary) received land in exchange for the extinguishment of rights. But the law, which disallowed the usages of the many, might allow as properties extinct assets and superordinate rights and offices

<sup>1</sup>A good example is Enfield Chase in my *Whigs and Hunters*, pp. 175-81.

<sup>2</sup>These precedents (mostly from *Commons Journals*) were usefully collected in Shelburne Papers (Univ. of Michigan, Ann Arbor), vol. 167, W. Masterman, "Compendium of the Rights and Privileges of Election".

<sup>3</sup>Thomas Paine, *Letter Addressed to the Addressers on the Late Proclamation* (1792), p. 67.

of the few with "interest". When the forest of Delamere was enclosed (1812) half of the eight thousand acres went to the King, together with £200 per annum in rental from the other half. John Arden, as Chief Forester, Bowbearer and Bailiff, with his under-keepers, were amply compensated for their loss of perquisites (including the "pasturage of coneys"), as was Thomas Cholmondeley "as Owner of the dissolved Monastery of Vale Royal, and of divers Messuages, Lands, Tenements and Hereditaments, heretofore parcel of the Possessions of the Abbot and Convent of Vale Royal". All rights of common in the forest were extinguished, save for some "Moss Pits or Turbaries" too wet for pasture and impracticable to be drained: here peats might still be cut. Tenants at rack-rent received no land in lieu of lost rights, although the landowners (who did receive land for their tenants' loss of right of common) were instructed to make them compensation.<sup>1</sup> All of this was proper to law: it follows normal procedures. But it signals a wholesale transformation of agrarian practices, in which rights are assigned away from users and in which ancient feudal title is richly compensated in its translation into capitalist property-right.

When Kerridge writes that "to disallow unreasonable customs was, in almost every instance, to reject fraudulent ones" he astonishes one first of all by the claim to omniscience. (Even the great Sir Edward Coke said that "should I go about with a catalogue of several customs, I should with Sysiphus. . . undertake an endless piece of work".) Of course, once the law had detached the right from the user, it could find reasonable grounds for disallowing usages of the greatest antiquity and certainty. The common law allowed "reasons" to be considered which had more to do with the political economy of "improvement" than with a strict attention to the terms of law. Many judges shared the mentalities of improving landowners (reasonable men) and they prided themselves on their intuition into the real intentions of their predecessors and of legislators. As Abbott, C.J. noted, in a case which disallowed (yet again) the claims of "inhabitants",

<sup>1</sup>*An Act for Inclosing the Forest of Delamere* (1812), pp. 23, 27-9, 33.



The meaning of particular words in Acts of Parliament, as well as other instruments, is to be found not so much in a strict etymological propriety of language, nor even in popular use, as in the subject or occasion on which they are used, and the object that is intended to be obtained.<sup>1</sup>

It was tough luck if language's "popular uses" of right seemed unreasonable to a judicial mind. What Kerridge (and other authorities on enclosure)<sup>2</sup> fail to examine is whether, by this re-ification of right and by this introduction of the reasons of "improvement", the law itself may not have been the instrument of class expropriation.

By disqualifying imprecise categories of users — occupiers, inhabitants, residents, "all persons" etc. — Gateward's and successive cases had left to the populace or to inhabitants only the exception of rights of way or easements, "as in a way or causey to church".<sup>3</sup> It was a large allowance. By raising to a reason at law the question of "improvement" it was possible to effect a marriage between "legal terms of art" and the imperatives of capitalist market economy. The decision in 1788 in the Court of Common Pleas against gleaning is familiar, yet it may be of interest to read it once again with an eye to the reasons of law.

Here was certainly a custom which had immemorial sanction and which continued with undiminished vigour into the nineteenth century. The practice was sanctioned by custom, but also regulated by village by-laws.<sup>4</sup> Such

<sup>1</sup> *Rex v G. W. Hall* (1822), 1 B & C 136, ER 107, p. 51.

<sup>2</sup> Sadly, W. E. Tate in that fine book, *The Parish Chest* (2nd edn. Cambridge, 1951), p. 289 offered an even more anachronistic imposition of subsequent property categories upon the evidence. He apologised for the lack of allotment of land to the poor at enclosure because "from the legalist point of view. . . any land given to them could only be at the expense of the other proprietors, its legal owners. Open fields and common pastures belonged to the public (so said the lawyers) no more than does say a Co-operative Society, or a limited company, and when the open-field village was liquidated its assets were divided, like those of any other business concern, after satisfying the creditors among the shareholders".

<sup>3</sup> *Smith v Gateward* (4 Jas I), Cro Jac 152, ER 79, p. 133. See also ER 82, p. 157.

<sup>4</sup> For gleaning generally, see David Morgan, *Harvesters and Harvesting* (1982); Bushaway, *op. cit.*, esp. pp. 138-48; P. J. King, "Gleaners, Farmers and the Failure of Legal Sanctions in England, 1780-1850", *Past and Present*, no. 125 (November, 1989).

regulation continues in the eighteenth century, as evidenced by some by-laws, although in other by-laws the practice is assumed, and passed over in silence. In Raunds (Northamptonshire) in 1740 there is a suggestion of tighter controls to exclude foreigners and paupers in receipt of relief: John Adams and family are presented for gleaning without a settlement (Is.), and the by-law is entered: "no certificate person shall either glean in the fields or cutt any furzes from the common".<sup>1</sup> A trial of the general question of right in 1766 in King's Bench was confused. Gleaners, gaoled in Berkshire, had gleaned in an only partly cut field of barley. Lord Mansfield ruled that "stealing, under the colour of leasing or gleaning, is not to be justified". But another learned judge remarked that "the right of leasing does appear in our books. . .".<sup>2</sup> The issue came up to Common Pleas in 1788 from an action for trespass against Mary Houghton, wife of John Houghton, for gleaning in closes at Timworth in Suffolk. The case does not appear to have been argued in terms of custom (perhaps because it would at once have fallen foul of the precedents established by Gateward's Case) but on grounds of the universal recognition of the right at common law. The defendants were "parishioners and inhabitants of the said parish of Timworth, legally settled therein, and being poor and necessitous, and indigent persons. . .". Lord Loughborough found the claim indefinite:

1st, I thought it inconsistent with the nature of property which imports exclusive enjoyment.

2dly, Destructive of the peace and good order of society, and amounting to a general vagracy.

3dly, Incapable of enjoyment, since nothing which is not inexhaustible, like a perennial stream, can be capable of universal promiscuous enjoyment.

By removing the claim from custom to common law the defence had not removed the difficulty, since "if this custom were part of the common law of the realm, it would prevail in every part of the kingdom, and be of general and uniform practice", whereas in some parts it was unknown and in

<sup>1</sup> Northants CRO, Box 1053/2, Manor of Raunds, Court book, 27 November 1740.

<sup>2</sup> *Rex v John Price* (1766), 4 Burr 1926, ER 98, pp. 1-2.



others variously modified and enjoyed. As for the defendant's efforts to enlist the law of Moses, "the political institutions of the Jews cannot be obligatory on us, since even under the Christian dispensation the relief of the poor is not a legal obligation, but a religious duty". From this Lord Loughborough passed to a homily drawn directly from political economy:

The consequences which would arise from this custom being established as a right, would be injurious to the poor themselves. Their sustenance can only arise from the surplus of productive industry; whatever is a charge on industry, is a very improvident diminution of the fund for that sustenance; for the profits of the farmer being lessened, he would be less able to contribute his share to the rates of the parish; and thus the poor, from the exercise of this supposed right in the autumn, would be liable to starve in the spring.

Mr Justice Gould gave a directly contrary opinion, with considerable learning and recitation of precedent. But Mr Justice Heath and Mr Justice Wilson came to the side of Lord Loughborough. Heath expressed himself with singular force: "To sanction this usage would introduce fraud and rapine, and entail a curse upon the country." He entered even more largely upon the reasons of political economy:

The law of Moses is not obligatory on us. It is indeed agreeable to Christian charity and common humanity that the rich should provide for the impotent poor; but the mode of provision must be of positive institution. We have established a nobler fund. We have pledged all the landed property of the kingdom for the maintenance of the poor, who have in some instances exhausted the source. The inconvenience arising from this custom being considered as a right by the poor would be infinite. . . . It would open the door to fraud, because the labourers would be tempted to scatter the corn in order to make a better gleaning for their wives, children and neighbours. . . . It would raise the insolence of the poor. . . .

Mr Justice Wilson concurred, but made a little more show of grounding his opinion in law:

No right can exist at common law, unless both the subject of it, and they who claim it, are certain. In this case both are uncertain. The subject is the scattered corn which the farmer chooses to leave on the ground, the quantity depends entirely on his pleasure. The soil is his, the seed is his, and in natural justice his also are the profits.<sup>1</sup>

<sup>1</sup> *Steel v Houghton et Uxor* (1788), 1 H BL 51, ER 126, pp. 32-9.

It is difficult to think of a purer expression of capitalist rationality, in which both labour and human need have disappeared from view, and the "natural justice" of profits has become a reason at law. In the arguments of *Steele v Houghton et Uxor* we see exposed with unusual clarity the law's complicity with the ideology of political economy, its indifference to the claims of the poor, and its growing impatience with coincident use-rights over the same soil. As Loughborough had it, "the nature of property. . . imports exclusive enjoyment". And how could enjoyment be exclusive if it did not command the power to exclude from property's physical space the insolent lower orders?

In these last few pages we have given a little attention to the law. And we should add a few words to safeguard against possible misunderstanding. The *English Reports* are not packed with cases in which poor commoners challenged their lords or great landowners in the highest courts of the land. On occasion freeholders or customary tenants did so, pledging themselves to each other to share the costs.<sup>1</sup> But taking cases upwards to the courts of Common Pleas or King's Bench was not the cottagers' nor the labourers' "thing". Unless some party with a substantial interest was involved on their side, their rights were liable to be lost silently and without contest.

We may illustrate the point by noticing two cases where the rights of "the poor" were involved. The first is the case of gleaning. In a skilful piece of detective work Peter King has found out more about this case. There were in fact two cases, the first, *Worledge v Manning* (1786), coming up two years before the case of *Mary Houghton* (1788), but failing to decide the point of law. Both cases came up from the same West Suffolk parish, and the prosecutions were probably supported by subscription among local landholders. Benjamin Manning and John Houghton were both shoe makers, and Dr King suggests that it was only the support of a benevolent Suffolk landowner and magistrate, Capel Lloft, which enabled Houghton to fee counsel. The loss of the cases (and the damages and costs involved) certainly did not

<sup>1</sup> An example of such an agreement in Yate (Gloucestershire), 1745, is in Glos. CRO D 2272.



advance the career of either defendant. The Houghtons were forced to mortgage and then to sell their small property. Mary Houghton, the widow of John, is last found in the poor law records, receiving some £6 per annum relief.<sup>1</sup>

For the smallholder, cottager or small commoner the law was always something to avoid. But surely in the nineteenth century — after 1860 at least — small commoners could contest their rights in the courts with the help of powerful philanthropists or the Commons Preservation Society? On occasion this was true. But even in those enlightened years there could be difficulties, which may be illustrated by the case of Mr Willingale. We have already encountered (above, p. 102) the claims to wood of the poor inhabitants of Loughton, adjoining Waltham Forest (itself part of Epping Forest). The right of lopping trees up to a certain height in the winter months was a custom supposed to find its origin in a grant from Queen Elizabeth. Considerable ritual had gathered around its assertion, which must commence on midnight of November 10th, when inhabitants (usually warmed up with ale) perambulated the forest. In the early 1860s the lord of the manor of Loughton enclosed the forest, gave some compensation to tenants, fenced out the public and started felling the trees.

In 1866 “a labouring man named Willingale”, with his two sons, broke in upon the fences and made the customary perambulation. All three were convicted of malicious trespass and sentenced to two months hard labour. In prison one of the sons caught pneumonia and died. When Willingale was released the matter was becoming a *cause célèbre* among the Radicals of East London. The Commons Preservation Society had just been founded and it offered to contest the issue, raising a fund of £1,000 for the purpose. A suit was commenced in the name of Willingale, since it could only be pleaded in an inhabitant of Loughton. There was a supporting lobby of Liberal MPs, QCs, editors, and eminent persons including Sir T. Fowell Buxton and John Stuart Mill. Yet despite this support and despite the publicity, Willingale was subjected to the inexorable social control of

<sup>1</sup>P. J. King, “The Origins of the Gleaning Judgement of 1788”, forthcoming.

the manorial village. No-one dared employ him in the parish, and it was only with great difficulty that he could find lodging in the village, which he must do to remain an inhabitant. He was privately offered bribes — perhaps as much as £500 — to abandon the suit, but he rejected all offers.

After four years of this, the old man died (1870), hence abating the suit. It was resumed in a new form by the Corporation of London (which had no need to find lodging or employment in the manor). When it gained a qualified victory in 1879, “the whole population of the district turned out at midnight to the number of 5,000 or 6,000” for a last torchlight perambulation. Willingale’s surviving son was still championing the common rights of the small occupiers, and his widow was awarded by London Corporation a pension of five shillings a week.<sup>1</sup>

Lord Eversley who records this story, and the part played in it by several philanthropists, appears to have forgotten “old Willingale’s” Christian name. What is clear is that, even in mid-Victorian England, it was no easy matter for a labouring man to tangle about common rights with lords or land-owners through the forms of law. What chances were there of doing so one hundred years before?

#### IV

The decision in the Court of Common Pleas in 1788 did not of course extinguish the practice of gleaning, unless perhaps by Mary Houghton and her neighbours in Timworth.<sup>2</sup> Custom remained *lex loci*, and while case law now decided that gleaning could not be claimed as a right in common law, the right might still be claimed as local right, by the custom of the manor or by village by-law. The decision strengthened the

<sup>1</sup>Eversley, *op. cit.*, ch. 8. Descriptions of Epping Forest in 1895, with its pollarded hornbeams, are in two letters of William Morris to the *Daily Chronicle*. *Letters of William Morris*, ed. Philip Henderson (1950), pp. 363-7.

<sup>2</sup>A few years after the Common Pleas judgement an observer of the picturesque enthused about the hundred-acre fields covered with gleaners, “while innumerable groups of children are sporting or working around”: this was within a few miles of Timworth: S. Pratt, *Gleanings in England* (1801), ii, p. 271.



hands of farmers who wished to check the custom, or to restrict it to the families of their own labourers after enclosure. And enclosure did endanger the right, by removing the harvest from the huge open fields over which the customs of the rural community were habitually exercised, into the severalty of hedged or fenced "closes" with their sense of controlled access and private space. Indeed the decision might have led on to a general repression of gleaning if attempts to do so had not encountered the most stubborn resistance, especially from labouring women who, as Peter King has shown, refused to surrender their "rights" in the face of physical and legal harassment.<sup>1</sup>

No decision in the common law courts had immediate impact on the local practice of custom, although such decisions could stack the hands of the landowners with aces to be cashed for acres when it came to the point of enclosure. Where copyhold and other forms of customary tenure survived — indeed wherever lands survived in a village over which rights of common existed — one may expect to find some form of regulation of use. Some years ago, in my simplicity, I supposed that I had discovered a key to open the door upon the actuality of common right usages in surviving eighteenth-century recitations of customs, and especially in village by-laws still being promulgated in Courts Leet, or in other kinds of parish meeting, with vigour throughout the century. I made a habit then, whenever visiting a County Record Office, to rifle the card index and to collect examples of local regulation. But, alas, when I first came to sketch the present essay and turned this sack of notes onto my study floor, I found myself regarding this promiscuous gleaning of ears from several counties with blank dismay.

I learned at least a little humility. For this *lex loci*, which itself is only a partial guide to *praxis loci*, acquires meaning only when placed within the disciplined study of the local context. One must know about the balance of arable and waste, the diffusion or concentration of landholding, about crops and stock, soil fertility, access to markets, population

<sup>1</sup> See P. King, "Gleaners, Farmers and the Failure of Legal Sanctions, 1750-1850", *Past and Present*, no. 125 (November 1989).

and poor rates, and all those other matters which the disciplined agricultural historian so patiently puts together.<sup>1</sup> Without this careful provision of context my sack of gleanings turns out to be a sack of chaff. It is not much use to cite the stint for beasts allowed to graze the common per yardland or per cottage unless one can shew who and how many owned or tenanted these cottages and acres.

I might say, in self-defence, that several of the optimistic agrarian historians in the anti-Hammond school appear to have passed over such sources unread. But one is no more entitled to generalise indiscriminately about common right usages over the whole country than about soil, crops, or patterns of landholding. Common right usage, and the oral traditions as to these rights, is as specific and as local as are the geographic features. Perhaps a little may be deduced from such materials, even without contextual discipline. One finds, as one would expect, the tendency to translate rights to pasture on the waste (or gates on the common) into monetary equivalents, a sort of village echo of the re-ification of usages going on all around. Ryton-upon-Dunsmore, Warwickshire, a firmly regulated manor with good records, stipulated in 1735 that "no commons shall be let to no ought tounes [out-town]. . . for no less than 5s a common", whereas parishioners paid only 4s. for the right. There was an attempt to regulate the minor rights of common with unusual tightness: "No parson that is not a parrisoner shall cut any turf upone the common", and furze from the common might be taken only on own backs and only serve firing in own homes.

<sup>1</sup> Works which I have found most valuable in their bearing upon the exercise of common rights include (in addition to work by J. M. Neeson) W. G. Hoskins, *The Midland Peasant* (1957); C. S. and C. S. Orwin, *The Open Fields* (1948); A. C. Chibnall, *Sherington: Fiefs and Fields of a Buckinghamshire Village* (Cambridge, 1965); M. K. Ashby, *The Changing English Village: Bledington* (Kineton, 1974); W. Cunningham, *Common Rights at Cottenham & Stretham in Cambridgeshire* (Royal Hist. Soc., 1910); Joan Thirsk, "Field Systems in the East Midlands", in A. R. H. Baker and R. A. Butlin (eds.), *Studies of Field Systems in the British Isles* (Cambridge, 1973), esp. pp. 246-62; H. E. Hallam, "The Fen Bylaws of Spalding and Pinchbeck", *Lincs. Architectural & Archaeological Society*, (1963), pp. 40-56; R. S. Dille, "The Cumberland Court Leet and Use of Common Lands", *Trans. Cumberland & Westmorland Antiq. & Archaeological Soc.*, lxvii (1967), pp. 125-51.



### Money had made big inroads here:

The grass hereafter growing in the highways or roads within this manner shall be sold to be mowed and not grazed and the moneys arising annually therefrom to be divided amongst the inhabitants of the said manor according to the rents of their respective livings.

No fewer than forty-seven persons were fined for offences against by-laws in 1735, and forty-eight in each year, 1741 and 1749, and one suspects that an annual exercise in disciplinary control was going on.<sup>1</sup>

My collection (which comes mainly from the Midlands) shows no other example of a manor whose rights had been monetarised to this extent. In some places — East and West Leake (Nottinghamshire) 1730 and Towcester, 1712 — commoners or cottagers received a monetary compensation if they did not exercise a common right.<sup>2</sup> In others the rent for a cow's common is specified, and (as at Harpole, Northamptonshire) the townsmen were permitted to let six cow commons in the heath "to any of the poor inhabitants of Harpole as they. . . shall see necessity or occasion for so doing".<sup>3</sup> In Whilton in the same Hundred a more affirmative by-law is found in 1699: "If any poor person. . . not holding lands or comon in the. . . fields shall at May Day. . . want a cows comon", they can obtain it for 8s. from the fieldsman.<sup>4</sup> Thus in some places rights to pasture could now be hired (but rarely to out-townsmen), in others there was compensation for the non-use of such rights, and sometimes there is a mixture of right and cash. Money is sometimes set aside to pay for the village officers, fieldsearchers, herds etc. or the local improvements; sometimes is redistributed to

<sup>1</sup>Warwicks. CRO, MR 19.

<sup>2</sup>Sidney P. Potter, "East and West Leake", *Nottinghamshire Guardian*, 1 Apr. 1933; Northants. CRO, YZ 4289.

<sup>3</sup>Northants. CRO, YZ 6a, Hundred of Norbottle Grove, Court Leet and Baron, "By Laws, Rules and Orders", 12 Oct. 1743. The stint was four cows and breeders for a yardland, but the townsmen could let further rights to any who held only a quartern of land (and therefore right for only one cow), at 8s. a right.

<sup>4</sup>Northants. CRO, YZ 1. M14, Norbottle Court, regulation for Whilton common fields, 1699. See also Hampton-in-Arden, 22 October 1802: "Such poor persons that apply the 1st of March. . . shall have each a Cows commoning", Warwicks. CRO, MR 20.

landholders; sometimes offsets the poor rates. In Hellidon, Northamptonshire, 1744, "any. . . persons that are parishioners and inhabitants of the Parish of Hellidon. . . have Liberty to turn a Horse in the Comonable Places in the ffields. . . at all comonable times. . . paying ten shillings a year to the overseer of the poor".<sup>1</sup>

A uniform concern of all regulations is to exclude interlopers from outside the parish from using the common. This is as old as regulation itself, but nevertheless is often repeated: "It is ordered that the Heardsmen and Shepherds shal not take to keepe any cattle of any other person. . . but onely those of the Inhabitants of this Towne."<sup>2</sup> In manorial villages with extensive copyhold and effective stewardship, rights were adjusted according to levancy and couchancy in a manner that would have satisfied the courts of common law. Rights on the stinted common were assessed in ratio to lands occupied in the open fields. Yet in other parishes indefinite terms abhorrent to the common law — "parishioners", "inhabitants", "any persons" — recur with frequency. Some by-laws pass over in silence usages on the common or waste, being wholly concerned with common of pasture and Lammas grazing; or they may signal practices which in other parishes are so well-known as to need no written rehearsal: "Any man shall have liberty to cut rushes at Xmas & not after Candlemas".<sup>3</sup> Pains are far more frequent upon trespasses in the common field than upon trespassers in the waste. Probably, in parishes with extensive common, the threat was seen as coming less from the cottager or labourer with the odd unlicensed beast than from graziers moving cattle on the hoof, butchers and dealers, or overmighty landholders exceeding their stint. Commons are stinted to establish *maximums* for men of substance.<sup>4</sup>

<sup>1</sup>Northants. CRO, D 5.5 (c), draft orders, court leet and baron of Manor of Hellidon, 27 October, 1744.

<sup>2</sup>Cunningham, *op. cit.*, p. 237.

<sup>3</sup>Northants. CRO, F (W.W.) 501/1/1, orders for Wollaston, 1721.

<sup>4</sup>For example, orders in Uphaven (Wiltshire), 1742, PRO, TS 19.3: "That all dealers and jobbers of sheep. . . ought not to keep any more sheep than their Leaze, and not to feed any sheep upon the Common. . . but with the other tenants according to the number of Leazes".



If there was a general place of contest between the farmers (of all shapes and sizes) on the one hand and the cottagers and landless commoners on the other, it can perhaps be detected in the continuing attempts to control the grazing on the marginal herbage in and around the common fields. Gonner tells us that "meers and balks were. . . sometimes fed off by cattle but often of little value", and substantiates this with a citation from an improving pamphleteer of 1773:

They are literally of no benefit to either the occupier or the Poor; for they are too narrow either to mow, or to graze without a boy to attend each beast with a halter. . .<sup>1</sup>

In this he reports correctly the viewpoint of the improving farmers who have become, perhaps properly, the heroes of much agrarian history. Yet this marginal herbage was viewed very differently by the peasantry, among whom boys (and girls) able to attend on beasts with a halter were plentiful and cheap. In some pasture-hungry Midlands parishes in the early eighteenth century, very considerable efforts were being made by the farmers themselves to increase the acreage in the common fields under greensward by widening joint ways and balks for "flitting grass".<sup>2</sup> If the little people of the village are harassed — and if their stock harasses the large farmers in their turn — it is in this matter of marginal herbage; not only balks, but sykes, the banks of streams, headlands on the fields, tracks under greensward, laneside grazing. Persons are presented "that turne out beasts into the Lanes without a follower".<sup>3</sup> With this go pains against trespass and against

<sup>1</sup>Gonner, *op. cit.*, p. 27.

<sup>2</sup>For an example, see Northants. CRO, YZ 6a, By Laws Rules and Orders for Hundred of Norbottle Grove, 12 October 1743. See also J. M. Neeson, "Common Right and Enclosure in Eighteenth Century Northamptonshire" (Univ. of Warwick Ph.D. thesis, 1978), esp. ch. 2; Baker and Butlin, *op. cit.*, pp. 47-8, 131-2; H. Beecham, "A review of Balks as Strip Boundaries in the Open Fields", *Agric. Hist. Rev.*, iv, (1956), pp. 22-44.

<sup>3</sup>Hants. CRO, 159, 641, Bishop Waltham (Hampshire) presentments, 25 March 1712, and (pain on cows in lanes "without a driver") 2 April 1717. Also Hambleton presentments (159, 613), 29 September 1721. (A readier remedy in most villages was to put such straying beasts in the pound.) A Suffolk phrase for grazing laneside verges was to "feed the Long Meadow", George Ewart Evans, *The Days that We Have Seen* (1975), pp. 50-1.

forking horses on the balks or feeding horses under pretence of making hay.<sup>1</sup> (Horses are great eaters, and once a horse had broken from its tether it could do untold damage to crops.) In tolerant parishes marginal herbage might be grazed provided the beast was not forked or tethered but was led by a halter. A few sheep might be tolerated along the lanes.<sup>2</sup> What Gonner and his pamphleteer see as wasted land use "of little value" was of central importance to the subsistence-economy of "the poor". A correspondent ("Apuleius") in the *Northampton Mercury* in 1726 wrote of —

Baulks and Borders, and Slades and Bottoms, and other waste Places, in these Common-Fields, which the Farmer is never able to appropriate to himself or his own sole using. . . for there are in most Countries a sort of Cottagers, that have Custom and Right of Commoning, tho' they Rent nothing but their Houses: And if it were a meer Hovel built upon the Waste, who would hinder a poor Man from keeping an Ewe and Lamb, or if he can compass one, a little Heifer? For these can run upon a Green, or among the Lanes and Highways, till the Crop be ended; and then away with them into the common Fields. . . and by this Advantage in some Places divers poor Families are in good Part sustained.

But with enclosure (the correspondent continued) these baulks and borders "become one Staple with the rest. . . in the sole Use and Occupation but of one Person".<sup>3</sup>

The beast led round the margins and along the ridges of a field, or up and down the lanes, by the children or the aged, can be seen in any poor peasant economy to this day. Wordsworth, encountering in his country walks with Beaupuy —

<sup>1</sup>"A pain made that no one shall flit with a Tether above Six yds long Excepting on his own Grass. . . A Pain that no one shall flit a Mare in the fields after the foal is a Month old": Atherstone Orders Bylaws and Pains, 1745, Warwicks. CRO, L 2/89. ("Flitting" was to graze a beast on a tether.)

<sup>2</sup>In Horbling (Lincolnshire) the cottagers "buy lambs in April, let them run in the lanes during Summer": *Annals of Agriculture*, xxxvii (1804), p. 522.

<sup>3</sup>*Northampton Mercury*, 17 Oct. 1726. See also Malcolmson, *op. cit.*, pp. 32-3.



a hunger-bitten Girl,  
 Who crept along, fitting her languid self  
 Unto a Heifer's motion, by a cord  
 Tied to her arm, and picking thus from the lane  
 Its sustenance, while the Girl with her two hands  
 Was busy knitting. . .

found the image of poverty to be a deep affront, and his friend Beaupuy "in agitation said, 'Tis against *that*/Which we are fighting' ". For Arthur Young, in the *Northern Tour*, it was no less of an affront, and an incitement to the virtues brought by dear times and improvement; when one who "in cheap times, used to bask himself all day in the sun, holding a cow by a line to feed on a balk, in dear ones betakes himself to the pickaxe and the spade".<sup>1</sup>

Levancy and couchancy supposed some land to be levant and couchant upon. The assumption is still there in 31 Eliz., c.7 (1589), prohibiting the erection of cottages without four acres of land. The socio-economic reality of many mid-eighteenth century unenclosed parishes was altogether different. While many small farmers were still to be found, as well as rural craftsmen and craftswomen and traders with a little land, there were in many places a growing number of landless commoners. Their customary rights, if scrutinised by national courts, were nil or — if they were tenants of old cottages — might be attached to the cottage (and its owner) not to the user. Yet it is my impression, from by-laws and literary evidence, that custom as praxis — village usages — generally afforded greater latitude for the exercise of minor rights than will be found in a formal view of the law.

I am not suggesting that poor people could get away with putting a cow or a few sheep on the common without anyone noticing. Everything that anyone did was noticed by someone in the village. Nor need we explain this latitude in terms of "theft", "fraud", or usurpation by the poor; or in terms of the tender paternalist sensibility of landowners. No doubt there are examples of both. But village regulation is often drawn by middle and small farmers, whose reputation for hardheadedness or even meanness is notorious. Yet even in

<sup>1</sup> Arthur Young, *A Six Months Tour through the North of England* (1771), i, p. 175.

hardheaded terms there are sound reasons for affording latitude in minor common rights. It is better that a labour force should remain resident and available for the heavy calls of hay and harvest and incidental calls for labour including the extensive women's service in hall, farmhouse and dairy. To afford to the poor subsistence rights, including firing and a cow for the pail, was at the same time a means of holding down poor rates.<sup>1</sup> And to these reasons may be added the reasons of custom and of neighbourhood. Some of those without land were the kin of the farmers; others long-standing neighbours, with skills — thatching, sheep-shearing, hurdle-making, building — involved in the continual exchange of services and favours (without any passage of money) which marks most peasant societies. It is even possible, without sentimentality, to suppose community norms, expectations and senses of neighbourhood obligation, which governed the actual usages of common; and such usages, practised "time out of mind", were fiercely held to be rights.<sup>2</sup>

But we must give way, at this point, before the expertise of the agrarian social historians. Common right is a subtle and sometimes complex vocabulary of usages, of claims to property, of hierarchy and of preferential access to resources, of the adjustment of needs, which, being *lex loci*, must be pursued in each locality and can never be taken as "typical". Alternative assertions of right could be fiercely divisive (for example, in the run-up to enclosure), not only between "rich" and "poor", but between small landholders and landless cottagers, or between cottagers with rights recognised at law and labourers without. I will note a wholly untypical case to conclude this section, not because it can stand for the general

<sup>1</sup> Arthur Young himself was of course a belated convert to the advantages of the poor's access to cow commons and cottage gardens, after the high price and dearth years of 1795 and 1800-1: see "An Inquiry into the Propriety of Applying Wastes to the Better Maintenance and Support of the Poor", *Annals of Agriculture*, xxxvi (1801), and also *General Report on Enclosures* (1808; reprinted 1971), esp. pp. 150-70. Snell, *op. cit.*, reviews this evidence, pp. 174-80.

<sup>2</sup> H. Homer, *An Essay upon the Inclosure of Common Fields* (Oxford, 1766), p. 23 speaks of the labourers' "immemorial custom" of enjoying privileges on the common.



case (if anything it is upside-down) but because it may illustrate the way in which various interests articulated their opposition through their claims to common right.

Atherstone in North Warwickshire at the start of the eighteenth century was a small market town. It was the site of a market, deriving from a grant in the time of Henry III, and also a horse fair (with annual races).<sup>1</sup> The town was situated in the midst of a large open field of about seven hundred acres, to which were added Outwoods (135 acres), and a cowpasture of fifteen acres. There are three major players in view in the first half of the century: the lord of the manor, who, in the 1730s, had only five acres in the open field: the landholders, most of whom held by copyhold tenure at the start of the century; and the cottagers, many of them also copyholders, who claimed right of common by prescription.

In 1719 disputes arose between the lord and the copyholders, on the familiar grounds of fines, herriots, and the soke rights of the mill, "to the continuall breach of Christian Amity and freindship". The customers accused the lord's steward of playing both ends against the middle in the Court Leet:

The Steward. . . putts upon the Jury some poor men who are not Copyholders with whom he can doe what he pleaseth and allthough there is a Hall or Chamber on purpose to keep the Court in, yet the Court is kep in private places and the Jury kep in one Roome, and the Steward doth all his buissines privately in another, and by the antient Customes the Jury ought to be of the best Copyholders and all the buissines used to be done publickly in open Court.<sup>2</sup>

In 1735-8 attempts to enclose Atherstone open field were activated. The parties were now realigned. The copyholders in the field were now enfranchised (by purchase), the lord having been baulked in his efforts to screw up herriots and fines. Lands had been consolidated, and the moving spirit in the enclosure was the major freeholder, Mr Abraham

<sup>1</sup>I was first made aware of this case by J. M. Martin, "Warwickshire and the Parliamentary Enclosure Movement" (Birmingham Univ. Ph.D. thesis, 1966). Atherstone is also discussed in the same author's "Village Traders and the Emergence of a Proletariat in South Warwickshire, 1750-1851", *Agric. Hist. Rev.*, 37, pt. 2 (1984), pp. 179-88.

<sup>2</sup>Manorial papers in Warwicks. CRO, MR 9, undated but c. 1719.

Bracebridge (who, however, rented out his land and was "a tradesman & no great farmer").<sup>1</sup> He was now in alliance with the lord of the manor. The opposition was based on the cottagers, 160 of whom claimed rights of common by prescription for two horses and two beasts:

Tho several of the antient grants & Charters relating to this Town have been search'd. . . the Cottagers have not been able to find there or in any other *writing* the original of this wright of common but can easily prove their wrights by prescription or parole evidence. The freeholders have the general words of wrights of common in their deeds. . .

Note. Mr Bracebridge some years since, under pretence of his being engaged in a Law Suit relating to the town, obtained the Inspection & custody of all the town books & writings which he now refuses to deliver or shew to the townsmen.

But the town chest remained in the cottagers' possession.<sup>2</sup>

It was the large common field which was at issue, and the unusual feature of this case was that the cottagers claimed more rights to pasture over it than the landholders. They claimed right of common for two horses and two cows each, and the butchers claimed for ten sheep each,<sup>3</sup> for ten months in the year. (The stock was moved around different parts of the common field at different times, but was kept "plentifully supplied with Grass".)<sup>4</sup> The landholders were entitled to common at the rate of four horses and eight cows and twenty sheep per yardland, of which there were 24½ in the open field. By one rough computation, we get:

<sup>1</sup>The Bracebridge family was involved in sugar-refining, banking and jewellery, and Abraham Bracebridge inherited a small estate in Atherstone in 1695. He and his son, Walter, were actively buying up lands in the open field between that time and the 1730s. "The Case of Atherstone concerning Inclosure of the Com. Fields as drawn by Mr. Baxter & Others in January 1738-9", in Warwicks. CRO, Compton Bracebridge MS, HR/35/25; various papers in Warwicks. CRO, MR 9; M. J. Kingman, "Landlord versus Community: the Bracebridge Family and the Enclosure of Atherstone Open Fields", *Warwickshire History*, vii, 4 (1988-9).

<sup>2</sup>Warwicks. CRO, HR/35/25.

<sup>3</sup>A married butcher was allowed ten sheep, a bachelor only five. Sheep placed on the common must be killed before new ones were added. See e.g. "Orders, Bylaws and Pains made by the Jury. . . for the Manor of Atherstone", 3 October 1745, in Warwicks. CRO, L 2/89.

<sup>4</sup>See Martin, "Village Traders", p. 183.



Landholders sheep	500	
Lord of the manor's sheep	20 )	
Landholders' beasts	192 ) =	74 gates
Landholders' horses	96 )	
	<hr/>	
	808	
Cottiers' beasts	320 )	
Cottiers' horses	320 ) =	326 gates
Butchers' sheep	60 )	
	<hr/>	
	700	

There were only six owners of the twenty-four yardlands in the open field, and of these Bracebridge owned nearly eighteen. On the side of the "cottiers" there were 160 who claimed (as "inhabitants", by prescription) "cottagers" rights.<sup>1</sup>

Bracebridge, together with the lord of the manor, the lay tithe-owner, and several landholders, attempted first to enclose the open fields "by agreement", without the assent of the cottagers. When this proved to be more than law would allow, several drafts of enclosure by parliamentary Act were drawn, and the small market town became the scene of covert negotiations and then of furious controversy.<sup>2</sup> Bracebridge offered to the cottagers eighty acres (subsequently raised to one hundred acres) in compensation for the loss of grazing rights over the whole field. One hundred and twenty cottagers and one or two small landholders petitioned against enclosure, on the grounds that it would lessen the value of their houses, diminish population, increase the poor, ruin the market and "lay a fondation for quarrells & contentions about the cottagers rights. . . & at the same time only agrandise & enrich one particular person. . .".<sup>3</sup>

It is evident that the term "cottager" covers several different categories of inhabitant. A few may have been

<sup>1</sup>The figures come from "The Case of Atherstone", drawn by opponents of enclosure, and from a paper drawn by supporters of enclosure in Warwicks. CRO, HR/35/7. There are variations in the count.

<sup>2</sup>It was alleged that a gentleman (Bracebridge?) had been threatened and was obliged to keep a guard on himself and his family. Opponents of enclosure were quick to declare that "we hate Mobs and Mobbish doings as much as he doth": Warwicks. CRO, HR/35/12.

<sup>3</sup>"The Case of Atherstone".

professional persons (from among whom an eloquent pamphleteer may have come), others shopkeepers, tradesmen, inn-keepers, and butchers (for whom the extensive common rights were a convenience). Another manuscript protest — these sheets were copied in a clear hand and were obviously circulated around the town — suggests that tradesmen had been buying houses in Atherstone because of these rights. The tradesmen "of a lower rank" (it was argued) needed horses for their business, fetching coals, hiring out, or in connection with the local trade in tammy-weaving and felt-making. Other trades which might need horses included "smiths, carpenters, coopers, masons, joiners, wheelwrights".<sup>1</sup> An annotated list of 123 Atherstone copyholders (who may well be the "cottiers" in question) shows among them "the Toyshop", two inn-keepers, and a wheelwright, gardener, shoemaker, bricklayer, weaver, maltster, retired butler, plumber, barber, exciseman and carpenter.<sup>2</sup>

Other cottagers were small peasant farmers, but it seems that a large group were labourers without stock and without other resources. They therefore did not and could not exercise their grazing rights — although in theory the 160 cottiers had rights to graze 320 horses, in fact (the enclosers argued) only eighty horses were grazed, and the land would not carry more.<sup>3</sup> But those cottagers and open field farmers who could graze stock had passed a by-law in the Court Leet to prevent the cottagers who had no stock from letting their gates on the common to others. Although a little "covert" letting still went on, the right was now technically valueless to them, and this was a grievance which Bracebridge and the enclosers tried to exploit. They tried to buy over the poor cottiers by offering to each 20s. per annum compensation for the loss of rights which they could not use. If this attractive bribe could have brought enough poor cottagers to the side of enclosure, then an Act might pass through parliament.

This offer stimulated a reply from the most eloquent of the opposing pamphleteers. "I cannot but observe," he remarked

<sup>1</sup>"Some of the Grievances that will result from the Inclosure of the Fields of Atherstone", Warwicks. CRO, HR/35/10.

<sup>2</sup>List of copyholders, n.d., revised and annotated, Warwicks. CRO, HR/35/39.

<sup>3</sup>Warwicks. CRO, HR/35/7.



with heavy sarcasm, "how tender these Gentlemen now seem to be of the rights of the Poor". Bracebridge "seems to be courting the lower and meaner sort and playing them against those in better circumstances. . . Gentlemen become levellers to obtain their own ends". And he reflected upon the historic origin and present function of commons:

When these Commons in the fields were allotted to the use of the cottagers it was not meant what we call paupers, for in that age their was no such, but different degrees of men superiour and inferiour occupying the Cottages, but it was more the design to prevent poor, or at least to be a security for those whom fortune shou'd frown on, to have recourse for relief, that all might be employ'd in some way or other.

Even if the poor cottagers were unable to buy stock, common usages were intrinsic to their economy:

By the Harvest work, the men will get 6s p.w. and beer, the women will get 2s till corn harvest then 3s p.w. . . The gleaning of the fields computed 15s a family in a season. . .

Gleaning was —

an Injury to no man, although those who make use of this advantage accruing to the Inferior from the beginning of the Harvest being known in the World are at this day by some as Mr [?] call'd thieves. I cannot see in what more than robbing the Fowls of the Air.

To this might be added cutting firewood in the Outwoods, both for use and for sale — 6s. or 8s. per week "hath been known" to be gained by families from this. The men could find occasional labour in husbandry, with the muck cart, trenching and threshing in winter. And this led on to a detailed estimate:

Inferiour Men not stocking their Commons, by their Work by a near Computation including their beer at 5s per week each, they get some weeks more, some less, this being a Medium. . .	£ s d 13 00 00
Women by their Harvest work, weeding, clotting, Hay Harvest, Reaping which we will allow to employ them Ten Weeks at 2.6d p week	01 05 00
Admitting they have no other work or spinning &c they will get by fetching wood 1s 6d p.w.	03 03 00
Allow each Cottager one Boy or Girl able to do anything. . . they will get as much as the Mother	04 03 00

Each Family by their Gleaning or Pikeing in the Season	00 15 00
	22 06 00

All this does not take into account spinning and carding.<sup>1</sup>

This forms (the pamphleteer argued) "the Oeconomy of Life for these useful and inferiour people". They can support themselves and live without the aid of "people moving in a superiour sphere, better than the Superiour can without the Inferiour". Since they are "essentially necessary" they should be "indulg'd so far and after the best manner their circumstances will allow; not to be deem'd thieves & trick'd out of their and their Posterity's rights". Inclosure not only would deprive the poor cottager of maintenance, but it would discourage him from trying to gain a competency, and would encourage indolence. The commons right was "a sure foundation whereon he may work, and room for him to advance his fortune as he gets able to buy stock". For these reasons the pamphleteer urged the poor cottagers not to surrender their (latent) rights:

In case of Inclosure, the Inferiour will be made slaves and oblig'd for what little work will be found to work for what wages those Mercenaries who at present call them Thieves will please to give them.

As for the 20s. per annum offered in compensation, this money will "like the weekly pay be piss'd against the Wall & the Families no better. . .".

It seems that very few of the cottagers were persuaded to accept this 20s. bribe. Nor were those who exercised their grazing rights impressed. They perhaps suspected that the hundred acres compensation offered would be the poorest land in the parish, and they had good reason.<sup>2</sup> The

<sup>1</sup>Untitled paper ("We have before us a Paper entitled the Inclosure Vindicated", etc.); the arithmetic seems to be faulty: Warwicks. CRO, HR/35/15. See also HR/35/14. "Clotting" was breaking up clods with a wooden mallet; "piking" could be gleaning, or cleaning the edges of a harvest field: see Joseph Wright, *English Dialect Dictionary*.

<sup>2</sup>A clause drafted for the Act (Warwicks. CRO, HR/35/33) shows that the proposed commons were "very much over run with Gorse Hollies & Thorns and Briers and. . . other parts of it grow Mossey".



proposed Act was withdrawn. Agreement as to enclosure was reached with a majority of the cottagers of a subsequent generation, in 1764, and a letter survives in which a surveyor confided in Bracebridge's grandson details of the hundred acres recommended to be set aside for the cottagers:

We fixt upon 2 parcels of land which I am sure fourscore Acres is the worst in the fields but as it must be in one piece or two it cannot be done without laying to it about 20 acres lof] as good land as is on the Lower flat.

The surveyor was busy with plans to lay together "Fludgate Nuke" and "Sorry Midsummer", but alas not every bog and quicksand could be included.<sup>1</sup>

The case of Atherstone is not, of course, characteristic of the unenclosed village, any more than was neighbouring Sutton Coldfield where attempts to enclose were rebuffed, to an output of broadsides and songs about "the people's charter'd rights" in 1778, and delayed again in 1805 in part by the opposition of the vicar, John Riland, on the grounds that the town's charter granted rights to —

*inhabitants, householders*, that is Cottagers, Day Labourers, Shopkeepers, and other little Housekeepers, not Freeholders. The Charter means those, so do I. . .

"I mean the great body of all lower classes of the parish, whose consent has not been obtain'd."<sup>2</sup>

Both Atherstone and Sutton Coldfield claimed their rights and privileges by prescription, from charter and "wright of common", as if the act of writing carried some mysterious power. Villagers in the fenlands in the seventeenth century, in a tithe dispute, paraded "black boxes with writings with great seales. . . cominge, as they say, from the kinge. . ." In Haxey church a fourteenth-century deed in which the lord, John de Mowbray, pledged to preserve the commons from further improvement was kept in an iron-bound chest (to which the chief freeholders held keys); the chest stood under a window, wherein (icon-like) "was the portraiture of Mowbray set in ancient glass, holding in his hand a writing

<sup>1</sup> Thomas Merler to Bracebridge, 1764, Warwicks. CRO, HR/35.

<sup>2</sup> Rev. W. K. Riland Bedford, *Three Hundred Years of a Family Living, being a History of the Rilands of Sutton Coldfield* (Birmingham, 1889), pp. 131-3.

which was commonly reputed to be an emblem of the deed".<sup>1</sup>

We have seen the role of the church in other cases (above pp. 98-100), and since so much enclosure took place by agreement, or was enrolled in Chancery Decrees, and since it often took a form in which the lord or substantial freeholders surrendered their rights over common and waste in return for licence to enclose their own lands, the memory of these decisions was indeed a source of power.<sup>2</sup> Court books could be "lost" or access to them denied. Oral traditions as to rights might be founded upon some long-forgotten decree. As late as 1880 in a dispute over Wigley Common, near the New Forest, a meeting of the tenants discussed an "old paper" which declared their rights. A copyholder was found to have a heavy box with three locks in his possession, which was known by the tenants as "the monster". Within the box was found an exemplification, under the Great Seal, of a decree in Chancery of 1591, establishing the copyholders' customs. There was subsequently found in the court rolls of the manor some two hundred years later (1783) an order of the homage placing the decree in the custody of three tenants, who each had a key to a lock on the box. "The monster" was, no doubt, a corruption of the Latin *monstravi*. All that the owner recollected of the box was that his grandfather had brought it home after his admission as a tenant, saying: "See, I have brought home the monster!".<sup>3</sup>

## V

It was always a problem to explain the commons within capitalist categories. There was something uncomfortable about them. Their very existence prompted questions about the origin of property and about historical title to land.

In the sixteenth and seventeenth centuries landowners had asserted their titles in land against the prerogative of the king,

<sup>1</sup> C. Holmes, "Drainers and Fenmen" in A. Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985), pp. 192-3. See also Jack Goody, *The Logic of Writing and the Organization of Society* (Cambridge, 1986), pp. 163-5.

<sup>2</sup> See J. A. Yelling, *Common Field and Enclosure in England, 1450-1850* (1977), ch. 5, "Piecemeal and Partial Enclosures".

<sup>3</sup> Eversley, *op. cit.*, pp. 125-8.



and copyholders had asserted their titles and customs against their lords. They therefore had discarded theories of the origin to title in divine right. Yet if they fell back upon Hobbesian violence or on the right of conquest, how could they reply to the telling counter-argument of the Norman Yoke? When Locke sat down to offer an answer, all this was stewing around in his mind. In his First Treatise he dismissed notions of title by succession from Father Adam or from the donation of God. In the Second Treatise his chapter on property commences with an extended metaphor of common right usage. God granted the world to "mankind in common", and the fruits and beasts "are produced by the spontaneous hand of nature". But the common was seen as a negative, not a positive community: it belonged to nobody and was open to any taker.<sup>1</sup> Locke took as a paradigm of the origin of property the mixing of labour (which was man's only original "property", in himself and in his own hands) with the common:

Whatsoever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labour with . . . and thereby makes it his property.

"It hath by this labour something annexed to it that excludes the common right of other men":

Thus the grass my horse has bit, the turfs my servant has cut, and the ore I have dug in any place where I have a right to them in common with others, become my property. . .

It is not clear that Locke has overcome all difficulties — why are the turfs to be his, and not his servant's or, indeed, his horse's? Legal decisions in the eighteenth century introduced arguments from "labour" in terms of the general reasons of "improvement". More often they fell back in the question of custom or *lex loci* upon the legal fiction that customary usages must have been founded upon some original grant, from persons unknown, lost in the mists of antiquity. The law pretended that, somewhere in the year dot, the commons were granted by benevolent Saxon or Norman landowners, so that uses were less of right than by

<sup>1</sup>See Istvan Hont and Michael Ignatieff (eds.), *Wealth and Virtue* (Cambridge, 1983), p. 36.

grace. The fiction was purely ideological: it guarded against the danger that use-rights might be seen as inherent in the users, in which case the successors of Levellers or Diggers might arise and plead their original title.

Locke's property theory was written in terms which two scholars have sternly described as an English "vernacular", as against the stricter European tradition of natural jurisprudence. He "did not follow Grotius's and Pufendorf's restriction of the use of the term 'property' to its modern meaning of exclusive and absolute right of dominion".<sup>1</sup> In the flexible traditions of the English common law the meanings of property remained various — an absolute right, a coincident use-right, a claim to preference, a man's property in his own life or privileges. Undoubtedly C. B. Macpherson was right to show the increasingly absolute definition of property in the seventeenth century, and the triumph of the claim to the "virtually unlimited and saleable rights to things" in the eighteenth.<sup>2</sup> This process was not, perhaps, as univocal as Professor Macpherson proposed, and was, indeed, two-sided. For the landowners, landed property was "increasingly becoming subsumed to contract, that is. . . taking on the qualities and functions of capital", through the liquidity of mortgages and the complex forms of marriage settlements, trusts, entail etc. "Yet at the same time, in the name of absolute individual property, the common and use rights of the 'lower orders' were eroded."<sup>3</sup>

Sir William Blackstone had too precise a mind to linger long in speculations, although he endorsed, in passing, the Lockeian view that property in land allows an origin in which in prehistoric times the land "belonged generally to everybody, but particularly to nobody". But his concern was to define the rights to property as he now found them to be justified at law. And he asserted the right of property (and,

<sup>1</sup>*Ibid.*, p. 35.

<sup>2</sup>C. B. Macpherson, "Capitalism and the Changing Concept of Property", in E. Kamenka and R. S. Neate (eds.), *Feudalism, Capitalism and Beyond* (1975).

<sup>3</sup>See the overview by G. R. Rubin and David Sugarman (eds.), *Law, Economy and Society* (Abingdon, 1984), esp. pp. 23-42. Also P. S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford, 1979), pp. 85-90.



in the case of land, the control of physical space) to be exclusive and unqualified:

... that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.<sup>1</sup>

This bleak and absolutist definition he then (of course) did go on to qualify. His account of customary rights and copyhold is scrupulous, and on some matters (such as gleaning) he leaned to a liberal view. Yet these customs also were considered less as usages than as properties annexed to *things*. Through the ill-management of history these things were muddled up amongst each other on the land, and it was the business of law to sort each exclusive property out.

Political economy aided and abetted the law. For Adam Smith "property was either 'perfect' and absolute or it was meaningless",<sup>2</sup> and it was the function of government to protect property from the indignation of the poor. As he wrote in *The Wealth of Nations* (1776),

It is only under the shelter of the civil magistrate that the owner of that valuable property, which is acquired by the labour of many years, or perhaps of many successive generations, can sleep a single night in security.

Somehow the language summons to mind the substantial property, the settled estate, the freehold, while the secure sleep of commoners falls out of view. (After his change-of-heart, Arthur Young reported that poor commoners in a Cambridgeshire village regarded the approach of inclosure "with a sort of terror".)<sup>3</sup> It was Adam Smith's achievement to shift "the terms of analysis from a language of rights to a language of markets", in a "constitutive move in the making of classical political economy".<sup>4</sup>

By the 1780s both law and political economy regarded co-existent properties in the same land with extreme impatience.

<sup>1</sup> Blackstone, *op. cit.*, ii, pp. 2, 8.

<sup>2</sup> Hont and Ignatieff, *op. cit.*, p. 25.

<sup>3</sup> *Annals of Agriculture*, xlii (1804), p. 497, describing Morden Guildon, then under enclosure, where the cottagers had been in the habit of keeping cows, wintering them in the farmers' yards at 6d. per week, in summer leading them on barks, etc.

<sup>4</sup> Hont and Ignatieff, *op. cit.*, pp. 24-6.

We recall Lord Loughborough's judgement that "the nature of property. . . imports exclusive enjoyment" (above p. 139). And this was seconded by the immoderate ideological zeal of the propagandists of enclosure. Monotonously, in pamphlet, in the *Annals of Agriculture* and in agricultural surveys, the same impatient tone comes through. Opponents of Lincolnshire fenland enclosure wish to "live at large, and prey, like pikes, upon one another", or these commoners are "Buccaneers" who "sally out, and drive, or drown or steal, just as suits them".<sup>1</sup> "The appropriation of the forests", Vancouver remarked in the *General View of the Agriculture of Hampshire* (1810),

Would. . . be the means of producing a number of additional useful hands for agricultural employment, by gradually cutting up and annihilating that nest and conservatory of sloth, idleness and misery, which is uniformly to be witnessed in the vicinity of all commons, waste lands and forests. . .

And the surveyor expressed his earnest wish that "old as he now is, he yet may live to see the day when every species of intercommonable and forest right may be extinguished". The vocabulary — "prey", "buccaneers", "cutting up and annihilating" — reveals a mind-set impervious to alternative definitions; and, as the high tide of enclosure coincided with the political polarisation of the 1790s, so arguments of property and improvement are joined to arguments of class discipline. Parliament and law imposed capitalist definitions to exclusive property in land.

If parliamentarians, landowners, judges and many enclosure commissioners did gross natural injustices in enclosures I do not mean that they were clearly aware of what they were doing. They observed the rules which they themselves had made. They were so profoundly imbued with pre-conceptions which translated the usages of the poor into the property-rights of the landowners that they really found it difficult to view the matter in any other way. (Although — it is important to note — there were always contrary voices, even among their own ranks.) What may give to this matter a

<sup>1</sup> W. Pennington, *Reflections on the various Advantages resulting from the Draining, Inclosing and Allotting of Large Commons and Common Fields* (1769), pp. 32, 37.



greater significance is that this law and this mind-set were not confined in place or in time. The concept of exclusive property in land, as a norm to which other practices must be adjusted, was now extending across the whole globe, like a coinage reducing all things to a common measure.

The concept was carried across the Atlantic, to the Indian sub-continent, and into the South Pacific, by British colonists, administrators, and lawyers, who, while not unaware of the force of local customs and land systems, struggled to construe these within their own measure of property. It is an interesting inversion of the expected sequence of reciprocity between "social being" and "social consciousness" which, in the Marxist tradition, used to be rehearsed in terms of "basis and superstructure". To be sure, capitalist notations of property rights arose out of the long material processes of agrarian change, as land use became loosed from subsistence imperatives and the land was laid open to the market. But now these concepts and this law (or *lex loci* of that part called England of a European island) were transported and imposed upon distant economies in various phases of evolution. Now it was law (or "superstructure") which became the instrument of reorganising (or disorganising) alien agrarian modes of production and, on occasion, for revolutionising the material base.

A global ecological history might be written, one central episode of which turned upon the mis-match between English and alien notions of property in land and the imperialist essays in translation. Even within the main island of Britain, successive emigrations and clearances from the Scottish Highlands were testimony to the decisions of a law which afforded no shelter to a population evicted from lands which they had supposed to be communally owned, from time out of mind, by their clans. But the law could take no cognisance of such a communal personality. Nor could its categories match the communal usages of hunter-gatherer peoples. Locke had ruminated, in his chapter on property, on "the wild Indian. . . who knows no enclosure, and is still a tenant in common". This Indian served as a paradigm for an original state before property became individuated and secure: "In the beginning all the world was America". Locke decided that the American Indian was poor "for want of

improving" the land by labour. Since labour (and improvement) constituted the right to property, this made it the more easy for Europeans to dispossess the Indians of their hunting grounds. The Puritan colonists were ready to moralise their appropriation of Indian lands by reference to God's commands, in *Genesis* 1, 28, to "replenish the earth, and subdue it".<sup>1</sup>

Hunting, fishing, and even planting some unfenced patches of corn and squash clearly fell far short of "subduing" the earth. (In any case, the work was left to the women.) It could not be said to be "improvement" and therefore its claim to establish rights of property was slender. The same improving mind-set, whether in Old England or in New, found reprehensible the lack of useful productive labour, whether on the ill-governed forest or waste or in the Indians' hunting grounds. In the English cottager and "the wild Indian" alike there was seen a degrading cultural submission to a picaresque, desultory or vagrant mode of livelihood. "Forests and great Commons", John Bellers wrote, "make the Poor that are upon them too much like the *Indians*. . .". Commons were "a hindrance to Industry, and. . . Nurseries of Idleness and Insolence".<sup>2</sup> Security of property is complete only when commons come to an end.

The same notions of property-right accompanied the earliest British colonists in the South Pacific. In 1770 Cook claimed the east coast of New South Wales for the Crown, not because it was empty of aborigines but because "we never saw one inch of cultivated land in the whole country". Title could therefore rest on "discovery", or *vacuum domicilium*. Title could not be claimed so easily in New Zealand lands, in which both settlement and cultivation was so evident. The trouble was that property rights among the Maori were insufficiently individuated and absolute. James Busby, the British Resident, allowed in 1835 that —

<sup>1</sup> An excellent study which brings legal and ecological themes together is William Cronon, *Changes in the Land: Indians, Colonists and the Ecology of New England* (New York, 1983). I am at work on a study of these issues, in relation to the Mohegans of Connecticut, which I hope to conclude shortly.

<sup>2</sup> A. Ruth Fry, *John Bellers, 1654-1725* (1935), p. 128.



As far as has been ascertained every acre of land in this country is appropriated among the different tribes; and every individual in the tribe has a distinct interest in the property; although his possession may not always be separately defined.<sup>1</sup>

As in New England, setting land loose onto the market was complicated by communal claims upon property. In comparison with their American forerunners, the Maoris were fortunate in that by the time of colonisation the procedures under which the "Pakeha" settlers appropriated land were a little more scrupulous. The Maoris were also numerous and formidable at war. The Treaty of Waitangi (1840) was the most serious attempt made to match capitalist and communal notions of property in land, and the complexity of this task is witnessed by the fact that arguments as to the treaty's interpretation occupy a central place in New Zealand's political life to this day.

But while it was possible for the colonial power to draw up treaties with native nations or tribes (as was done also in many North American cases), it was a different matter when rights to property in land came to be cashed in law. How could land be loosed for the market when even a *hupa*, or sub-tribe, might share among hundreds of persons communal rights in land? A solution must either be political and sociological or it must be legal. As to the first, it was necessary to bring about —

The detribalization of the Natives — to destroy, if it were possible, the principle of communism which ran through the whole of their institutions. . . and which stood as a barrier in the way of all attempts to amalgamate the Native race into our own social and political system.<sup>2</sup>

As to the second, New Zealand law attempted to deal with it under the Native Land Act of 1865 whose aim was to assimilate native rights to land "as nearly as possible to the ownership of land according to British law". Since British law could never recognise a communist legal personality, section 23 of the Act ordered that communal rights could not

<sup>1</sup>Claudia Orange, *The Treaty of Waitangi* (Wellington, 1987), p. 38.

<sup>2</sup>Henry Sewell in *New Zealand Parliamentary Debates*, 9 (1870), p. 361; see Keith Sorrenson, "Maori and Pakeha", in W. H. Oliver (ed.), *The Oxford History of New Zealand* (Oxford, 1981), p. 189.

be vested in more than ten persons. A Maori witness testified: "When the Crown agent was ordered, the Court told us to go outside to arrange whose names should be in. We went outside — perhaps one hundred of us. We picked those who were to be in the grant." This fraudulent device was then pleaded as "according to Maori custom".<sup>1</sup>

The notion of absolute property in land which triumphed in England in the late eighteenth century had both a legal and a political aspect. Property in land required a landowner, improving the land required labour, and therefore subduing the earth required also subduing the labouring poor. As Lord Goderich, the Colonial Secretary, remarked in 1831 (with reference to Upper Canada):

Without some division of labour, without a class of persons willing to work for wages, how can society be prevented from falling into a state of almost primitive rudeness, and how are the comforts and refinements of civilized life to be procured?<sup>2</sup>

Hence property-plus-improvement required the model of the local property-owner in whose nexus were combined economic, social, and perhaps judicial authority over his labourers, on the model of the English country gentleman (and perhaps JP).

The most ambitious projects to transpose both the law of property and the sociological model of a landowner into an alien context were the succession of land settlements imposed by British administrators upon India. The earliest of these — the Permanent Settlement of Bengal — offers a paradigm of the mind-set which has been my theme. Although the Settlement finally took form in the proclamation of Lord Cornwallis, the Governor General (22 March 1793), it had, as Ranajit Guha has shown, a long prehistory.<sup>3</sup> Proposals of

<sup>1</sup>See D. Williams, "The Recognition of 'Native Custom' in Tanganyika and New Zealand — Legal Pluralism or Monocultural Imposition?" in Sack and Minchin (eds.), *Legal Pluralism* (Canberra Law Workshop, VII, ANU, 1985), pp. 139-54: a lucid and helpful study.

<sup>2</sup>Cited by Bryan D. Palmer, in "Social Formation and Class Formation in North America, 1800-1900", *Proletarianization and Family History* (1984).

<sup>3</sup>In the next page or two I have drawn heavily upon Ranajit Guha, *A Rule of Property for Bengal* (Paris, 1963), and also R. B. Ramsbotham, *Studies in the Land Revenue: History of Bengal 1769-87* (Oxford, 1926).



mercantilist, physiocrat and of Smithian political economists alike all agreed in the need to establish security of property, and all converged upon a solution which would vest these permanent property rights in the zemindars. Alexander Dow, the author of *The History of Hindostan* (1768) doubted the supposed zemindary title to property-rights. Land (in his view) was owned by the "Crown" or Moghul emperor, and while granted to the zemindars — who in effect were civil and administrative officers of the empire and collectors and guarantors of revenue — it could not be said to be owned, absolutely and exclusively, by them. In theory at least the grant could be revoked. Nevertheless Dow favoured the settlement of the land upon the zemindars, as an alternative to the corrupt and oppressive system of "farming" out the revenues (which many observers believed had contributed to the terrible famine of 1770). "An established idea of property is the source of all industry among individuals, and, of course, the foundation of public prosperity."

This argument derived title to land from the real or presumed grant from the Moghul power to the East India Company, along with the revenues attached to the land. Philip Francis — perhaps because he felt that this title was insecure — disputed the "erroneous opinion" that in the Moghul empire the governing power had been proprietor of the soil. He preferred to exalt zemindary proprietary rights, and cited as proof "the inheritable quality of the lands". In this he mistook the heritable character of zemindary *office* — to manage the lands and collect their revenue — for the *ownership* of the lands. And if Francis had reflected there were plenty of examples of heritable rights and claims over land, which fell far short of absolute property, acknowledged in English law: the most common being copyhold.

One need not be a specialist in the complexities of South Asian agrarian systems to see that these disputants were trying to compress their features into a modernising — or "improving" — English mask. With the English landowner and JP in his mind, Francis wrote that "zemindars are or ought to be the instruments of government in almost every branch of the civil administration". He even compared the zemindar to the Lord of the Manor. Once a Bengal gentry had been established, then the rest of the desired socio-

logical model could hang from that — "those intermediate gradations of rank, authority and responsibility, by which all great civil societies are held together", and formed into "successive ranks of subordination".<sup>1</sup> This also was a part of the accepted rhetoric of all British parties. Amongst these voices, only that of Warren Hastings and his close circle — the very people whom the improvers indicted as bandits and parasites enriching themselves by farming out the Company's revenues — suggested settling the land upon the ryots, the actual cultivators. It is probable that Hastings was making a debating-point and was not serious.

Charles Cornwallis took up his duties in Bengal just before the French Revolution. It would be interesting to know in what ways he had assembled his notions as to what was proper to the ownership of land. His father had made a fortunate marriage into the Townshend-Walpole clan from whom, no doubt, young Charles had learned not only about turnips but about the patrician arrogation of superordinate rights. A short tenure of office as Chief Justice in Eyre south of the Trent may have taught him to abhor indistinct forest usages. His service in the American Wars will have given him adequate opportunity to meditate on the difference between improved and unimproved lands. "Improvement was a key word which frequently occurred in his minutes and correspondence."<sup>2</sup> In intervals from service his seat was at Culford in Suffolk. Two miles away was Timworth, where, in 1787 — the year after Cornwallis sailed for Bengal — Mary Houghton's flagrant contempt of property-rights occasioned the celebrated judgement against gleaning. Peter King has examined the Cornwallis estate papers, and he has established that the offending Houghtons were indeed within the Cornwallis lands and had given offence to his steward or estate manager, being petty proprietors of a cottage with common rights who had been able to block a cherished plan of enclosure and reorganisation on the Cornwallis lands. It is possible that this could have been the reason for the selection

<sup>1</sup> *Ibid.*, pp. 105-22. Philip Francis's plan (which was rejected) was presented in 1776, the same year as the publication of *The Wealth of Nations*.

<sup>2</sup> *Ibid.*, p. 172.



of Mary Houghton for prosecution for gleaning.<sup>1</sup>

Dr King has discovered no reference to the ferocious Mary Houghton in Cornwallis's surviving correspondence. But we need not suppose that the Governor General of Bengal followed every detail of rationalisation on his distant Suffolk estate. He was content to leave mundane decisions to his brother, the bishop of Lichfield. No doubt the brothers shared the same Whiggish, improving outlook. Professor Guha has shown one intellectual origin of the Permanent Settlement in physiocratic thought, but the less theoretical praxis of the Whig patricians was of equal significance.<sup>2</sup> As a historian of my father's generation — in point of fact, my own father — noted: "The same era that saw the English peasant expropriated from his common lands saw the Bengal peasant made a parasite in his own country",<sup>3</sup> and this was done by the same mind-set, the same legal dicta of absolute property-right, and sometimes by the same men.

The immediate motive of the Permanent Settlement was convenience in collecting the revenue and the need to check the abuses of collection. But behind this lay a Whiggish model of class relations, in which — as Locke had written — "subduing or cultivating the earth, and having dominion, we see are joined together". Dominion gave security to exclusive rights in property, and landed property was the proper station not only for planting turnips but also for planting

<sup>1</sup> I first suggested a connection between the Mary Houghton case at Timworth and the Cornwallis estates at Culford when I lectured at an Open Meeting of the Past and Present Society on "Law, Use-Rights and Property in Land" in March 1986. This was based on guesswork only. Dr Peter King has now established that there was such a connection, and his thorough examination of "The Origins of the Gleaning Judgement of 1788" is forthcoming.

<sup>2</sup> James Mill in *The History of British India* (1817) voiced the utilitarian reaction when he referred to Cornwallis's "aristocratical prejudices". It is not clear why Dr Guha (*op. cit.*, pp. 170-1) should reprove this as "exaggerated language". It is surely a correct description?

<sup>3</sup> Edward J. Thompson, *The Life of Charles, Lord Metcalfe* (1937), p. 268. "The Permanent Settlement was made in the face of substantial awareness of the facts, in order to clamp down everlasting quietness on these matters of revenue and land possession rights; and it was made by men who could not conceive any better arrangement than that under which England's innumerable Tolpuddles enjoyed such happiness".

political interest. Sir Henry Strachey wrote in 1802 that we are anxious to secure the "assistance of the men of property and influence in preserving the peace throughout the country", but such rights of property should be invested "only in estates of a certain extent":

There are no gentlemen, in whose honour and probity, in whose spirit and activity, government can repose confidence. There exists not between the common people and the rulers, a middle order, who respect their rulers, or are by them respected; who . . . could . . . exert themselves heartily and effectually, each in his own sphere, for the public good. Such a set of men in the society, is here unknown.<sup>1</sup>

The intention of the Permanent Settlement was to establish a Whig gentry, and the role was given to the greater zemindars, "for preserving order in civil society".<sup>2</sup> The measure "was effected to naturalise the landed institutions of England among the natives of Bengal".<sup>3</sup> It is inadequate to describe the zemindars' true status as that of "hereditary rent-collectors". Even this implies that some direct translation is possible between two radically incompatible systems of land-holding. There simply was no way of converting the practices and customs of Bengal and Bihar or Orissa into a common specie to be exchanged with English practice and common law. As Sir William Hunter was later to write:

My own investigations point to an infinite gradation in the rights of the various classes interested in the land. In some districts the landholder was almost independent of the Mussulman Viceroy. . . in others he was only a bailiff appointed to receive the rents. In some districts, again, peasant rights were acknowledged, and the old communal system survived as a distinct influence; in others the cultivators were mere serfs. This is the secret of the contradictory objections which were urged against Lord Cornwallis' interpretation of the land-law. . . Those collectors who had to deal with districts in which the landholders were the real owners of the soil, complained that the Permanent Settlement had stripped them of their rights and ruined them; while those who had

<sup>1</sup> *Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company* (1812), ed. W. K. Firminger (Calcutta, 1917), ii, pp. 609-10.

<sup>2</sup> Cornwallis, cited in Eric Stokes, *The English Utilitarians and India* (Oxford, 1959), p. 5.

<sup>3</sup> Sir Richard Temple, cited in Edward J. Thompson and G. T. Garratt, *Rise and Fulfilment of British Rule in India* (1935), p. 191.



derived their experience from parts of the country in which the Mussulman system had uprooted the ancient houses, objected that Lord Cornwallis had sacrificed the claims of the Government and the rights of the people to elevate a parcel of tax-gatherers and land-stewards into a sham gentry.<sup>1</sup>

This referred to rural Bengal. When Hunter came to consider the subsequent settlement of Orissa (1804),<sup>2</sup> his account was even more nuanced. Taking as his theme "Inchoate Proprietary Rights", he distinguished more clearly between a right of "ownership" vested under the Hindu dynasties in the prince, and a right of "occupancy" vested in the village community or in the cultivators. In between there was a complex hierarchy of tax collectors, land stewards, accountants, down to village heads, whose status was consolidated for the convenience of Moghul revenue and rule:

A long chain of intermediate holders grew up between the Ruling Power which had the abstract ownership and the Cultivator who enjoyed the actual occupancy. Thus the superior Landholder (*zamindar*) received the rent from a subordinate Tenure-holder (*talukdar*), who gathered it from the Village Heads, who often collected it by means of . . . Village Accountants, who levied it from the individual husbandmen. Each of these had his own separate set of proprietary rights. . . . Their rights, from the highest to the lowest, consisted in a title to finger the land-tax and pass it on.<sup>3</sup>

But even this account (Hunter warned) was "clearer and more systematic" than his evidence warranted, "for English words referring to landed rights have acquired a fixity and precision which they could not possess during a period of inchoate growth". What the Permanent Settlement in Orissa attempted to do (following upon the example of Bengal) was to erect the *zemindar's* "quasi-hereditary, quasi-transferable office of managing the land and transmitting the land-revenue, into a full proprietary tenure". Yet this title to property remained in some sense "abstract", since even

<sup>1</sup>W. W. Hunter, *The Annals of Rural Bengal* (1883), pp. 373-4.

<sup>2</sup>W. W. Hunter, *Orissa* (Calcutta, 1872), "being the second volume of the *Annals of Rural Bengal*", notably ch. 9. The settlement of Orissa was undertaken more scrupulously than that of Bengal, and was procrastinated from 1804 to 1815 to 1836 to 1866 (p. 257).

<sup>3</sup>*Ibid.*, pp. 214, 221-7.

"ownership" could not give to the new "owners" possession or occupancy of the land "as these belonged for the most part to the actual cultivators".<sup>1</sup> In all the debates of the 1770s to 1790s, the Whiggish British mind had largely passed over without consideration the rights of the *ryots* or real possessors of the land.<sup>2</sup> British administrators "defined and consolidated the title of the Landholders, and left the rights of the Cultivators unascertained. The former received a legislative status; the latter did not".<sup>3</sup>

Sir Charles Metcalfe saw the Permanent Settlement of Bengal as "the most sweeping act of oppression ever committed in any country, by which the whole landed property of the country had been transferred from the class of people entitled to it, to a set of Baboos, who have made their wealth by bribery and corruption". Lord Cornwallis (he said) was celebrated as "the great creator of private property in land in India". "I should say. . . that he was the creator of private property in the State revenue, and the great destroyer of private property in India, destroying hundreds of thousands of proprietors for every one that he gratuitously created. . . ."<sup>4</sup>

Metcalfe argued that

The real Proprietors of the Land are generally Individuals of the Village Communities who are also, for the most part, the natural occupiers and cultivators of the Land.

The injustice had been done by those who "wishing to advocate the rights of private property, applied English ideas and systems to India", and "classed the cultivators of India, the poor but lawful hereditary possessors of the land, with the labourers of England".<sup>5</sup> What Metcalfe did not see, or say, was that the dispossession of the commoners of England, and the English common law's insistence that "the nature

<sup>1</sup>*Ibid.*, pp. 227-8, 255-6, 260-1.

<sup>2</sup>An exception is in the Minutes of the able administrator, John Shore, see Guha, *op. cit.*, pp. 192-4. Also Charles William Boughton Rous, *Dissertation Concerning the Landed Property of Bengal* (1791).

<sup>3</sup>Hunter, *Orissa*, pp. 264-5. Even in the case of Bengal it became belatedly necessary (Act X of 1859) to recognise the "Right of Occupancy" (p. 228).

<sup>4</sup>Thompson, *Metcalfe*, pp. 267-8.

<sup>5</sup>*Ibid.*, esp. pp. 130-40.



of property. . . imports exclusive enjoyment" were the templates for the Settlement of Bengal.

Metcalf was perhaps the most humane of those whom Eric Stokes described as mounting a paternalist or Burkean romantic reaction to Cornwallis's measures. (Since Burke was an advocate of political economy (below p. 252) and was not noted for defending the rights of commoners, the adjective may be misplaced.) The ideological battles within British ruling groups were fought out upon the Indian land. Subsequent Settlements withdrew from the simplistic Whig model. In Madras and Bombay Munro's *ryotwar* system sought to invest property rights in a yeomanry or middle peasantry.<sup>1</sup> Metcalfe sought even to sustain the communal property of the village. But the administration's inexorable demands for revenue, and its dispossession of defaulters, collapsed all intentions. After these came the utilitarians, a modernising urban liberalism of individualism, money and the market, contemptuous of the landed aristocracy and of "Gothic" or Hindu custom, and (with Bentham and James Mill) eager to impose administrative occidental despotism upon the East. Later again, commencing with Burma and extending in this century to West Africa, there was, in a remarkable series of reversals of Whig ideology, the settlement of extensive lands in the superordinate ownership of the State, combined with measures to inhibit the growth of private property in land.<sup>2</sup>

But all that belongs to a different epoch of imperialism, more preoccupied with the rights of money than with property in land. In Africa colonialism learned how to co-exist with tribal land usages and with customary law, indeed to invent customary law or to codify and institutionalise it in such ways as to create a new and more formal structure of rule.<sup>3</sup> One consequence might be the development of

<sup>1</sup>See Stokes, *op. cit.*, pp. 15, 18-22.

<sup>2</sup>See especially Robert Shenton, *The Development of Capitalism in Northern Nigeria* (Toronto, 1986), ch. 3, for an account of the interlocking pressures of bureaucracy (the expediency of taxation), merchant capital, and "Single Tax" socialist idealism which led to this reversal.

<sup>3</sup>See Terence Ranger, "The Invention of Tradition in Colonial Africa", in Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge, 1983), esp. pp. 251-62. Even the act of writing

a dual economy and dual regimen, the one "modernised" and fully marketised, the other (indirect rule) sequestered within "custom", where the penetration of market forces was left to loosen labour more gently from the land, and to dissolve traditional forms of communal, or familial property-statute. The processes have not been (and are not) univocal, and there is a growing expert literature on customary law which should signal caution to a novice. Nor should we expect that the history of property in land could be written out in one single overarching theme, such as the triumph of possessive individualism, spanning the continents and centuries. The Permanent Settlement in Bengal was the zenith in the long ascent of the ideology of the patrician Whigs and the great gentry whom I still insist on seeing as an agrarian bourgeoisie. And by its very excess and doctrinaire impracticability it was also that ideology's *reductio ad absurdum*.

## VI

This essay has been concerned to explore the interface between, on the one hand, law and ruling ideologies, and, on the other, common right usages and customary consciousness. It does not seek to revive in their old form certain debates, such as the effect of enclosure upon the creation of a proletariat. I am heartened to see that such issues are being addressed once more (in new forms) but my own evidence is not of such a kind as to add much to the discussion.<sup>1</sup>

Custom was a place in which many interests contested for advantage in the eighteenth century. Ultimately, at the point when commons were enclosed, it was a place of unqualified class conflict. The law was employed as an instrument of agrarian capitalism, furthering the "reasons" of

custom down could formalise it and expose it to new meanings and manipulation: see Goody, *op. cit.*, pp. 133-56; Don F. McKenzie, "The Sociology of a Text: Oral Culture, Literacy and Print in Early New Zealand", in P. Burke and R. Porter (eds.), *The Social History of Language* (Cambridge, 1987).

<sup>1</sup>The most substantial resistance to the triumphalism of the "agricultural revolution" historians came, not from an agricultural historian, but from Raymond Williams, *The Country and the City*.



improvement. If it is pretended that the law was impartial, deriving its rules from its own self-extrapolating logic, then we must reply that this pretence was class fraud.<sup>1</sup>

The zealous propagandists of enclosure cast as the villains and enemies of "progress" the stubborn cottagers, smallholders, the squatters and the "buccaneers" of forest and fen. But social classes can perform double roles, and these groups have been returning in recent years as the heroes and heroines of a different drama. For these villains can be seen as playing a revolutionary part in the growth of "proto-industrialisation" or of "the cottage economy". Their poverty and the marginality of their access to land was stimulating them to prodigious exertions in developing rural crafts and industrial by-employments on the edges of the commons. And they are flooding back into learned articles, triumphantly spinning or lace-making, carrying milk and poultry and butter and cheese to urban markets, grazing their pack-horses on the waste, introducing stocking-frames and looms, and going out on their depredations on the commons only in the intervals of making shoes or cloth or furniture or nails, and in general exercising every possible proto-industrial virtue.

I don't know what I am mocking — perhaps only the solemnity with which, every decade or two, the historical profession reverses its fashions. For undoubtedly the revision is helpful, and undoubtedly it is in the cottage economy that resources of common right were so important.<sup>2</sup> A Midlands pamphleteer in 1767 wrote that —

There are some in almost all open parishes, who have houses, and little parcels of land in the field, with a right of common for a cow or three or four sheep, by the assistance of which, with the profits of a little trade or their daily labour, they procure a very comfortable living. Their land

<sup>1</sup>This was clearly expressed in the early working-class movement. The *Poor Man's Guardian* wrote, in 1835, "Property is but the creation of law. Whoever makes the law has the power of appropriating the national wealth. If they did not make the law, they would not have the property"; Malcolm Chase, *The People's Farm* (Oxford, 1988), p. 180.

<sup>2</sup>Especially helpful are David Levine, *Reproducing Families* (Cambridge, 1987), and Pat Hudson, "Proto-industrialisation: the Case of the West Riding Wool Textile Industry in the 18th and early 19th Centuries", *History Workshop*, 12 (1981), pp. 38-45.

furnished them with wheat and barley for bread, and, in many places, with beans or peas to feed a hog or two for meat; with the straw they thatch their cottage, and winter their cow, which gives a breakfast and supper of milk nine or ten months in the year for their families. These almost universally disapprove of inclosing.<sup>1</sup>

No doubt some of Atherstone's commoners were such. Others, were more fully occupied in trade: butchers, maltsters, alehouse-keepers, village traders of various kinds, blacksmiths, wheelwrights, masons and builders, those engaged in carpentry, tailoring, shoemaking. J. M. Martin has found such among the commoners disadvantaged by enclosure in South Warwickshire<sup>2</sup> and it was, exactly, in these "mixed agricultural and manufacturing villages" that Neeson has found, in her study of Northamptonshire, the strongest resistance to enclosure.<sup>3</sup>

Indeed, access to an extensive common could be critical to the livelihood of many villagers even if they had no common right, for they could rent upon it grazing for a cow, or parking and some fuel for their essential transport: i.e. grazing for a horse. In Maulden (Bedfordshire) whose extensive common was enclosed in 1797, to the accompaniment of riot (above p. 120) Young was told by a cottager in 1804 that "inclosing would ruin England; it was worse than ten wars. . . I kept four cows before the parish was inclosed, and now I do not keep so much as a goose". In Eaton (Bedfordshire) Arthur Young recorded that "the persons who were most affected and hurt" by the enclosure of 1796 were "higlers — fish, gingerbread, apples, carting for hire, &c; these kept horses, and turned without any right on the commons. . . they complain, but with no right to do it". In March (Cambridgeshire), enclosed in 1793, there were twenty families of dairy-men "who made an entire livelihood, —

<sup>1</sup>Anon. [S. Addington?], *An Enquiry into the Reasons for and against Inclosing the Common Fields* (Coventry, 1768). Cf. John Cowper, *An Essay Proving that Inclosing Commons and Common-field-Lands is Contrary to the Interest of the Nation* (1732), p. 8, referring to the loss from enclosure to "Carpenters, Wheelwrights, Millwrights, Smiths, Shoemakers, Taylors, and other Handicraftsmen, as well as to Shopkeepers".

<sup>2</sup>Martin, "Village Traders", *op. cit.*

<sup>3</sup>Neeson, "The Opponents of Enclosure", *op. cit.*



brought up their families decently; — after the enclosure they were reduced to day-labour, or to emigrate. These men were mere hirers and had no common rights themselves".<sup>1</sup> Such persons have eluded the attention of historians since they were neither agriculturalists nor emergent proletarians, and were of no importance to anyone except themselves.

When I first sketched this essay, more than twenty years ago, I rejected the triumphal accounts of improvers and modernisers, but I considered that radical historiography — and notably the Hammonds — had also been at fault in focussing too sharply on parliamentary enclosure, and hence in presenting us with a catastrophic paradigm. But such enclosure was only the last act of several centuries of agrarian capitalism, including extensive enclosure by agreement among the landholders. Relationships in most villages were already monetarised and subjected to market imperatives long before the act of enclosure struck. Common right usages clung by a thread to the customary tree, and many were over-ripe to fall. The wasp was already in them. Copyholders had become tenants at rack-rent, many cottagers had become day labourers, perhaps supplementing their wages with some spinning and a little stock. Grazing rights had been commercialised, and gates on the common could long have been hired. I remember teaching that, by the late eighteenth century, the communal forms of the unenclosed village were only a formal husk, whose kernel had been eaten by money from within.

Yet my own research and that of other scholars has persuaded me to look again. There were many villages where common right usages were a good deal more than form, not least those in which the resources of common and waste, Lammas and laneside grazing, wage-labour at harvest and in busy times, and crafts or by-employments each supplemented each other to make up a subsistence. The subsistence was not any more than meagre, the way of life might be desultory, but it was not subjected from early youth to death to an alien

<sup>1</sup>*Annals of Agriculture*, xlii (1804), pp. 27, 39, 323. But Young adds: "Their accounts of advantages, especially when they are gone, are not to be credited".

work-discipline.<sup>1</sup> In some part of their lives "the poor" still felt themselves to be self-determined, and in that sense "free". Indeed "the poor" was a gentry-made term which could sometimes disguise a sturdy peasantry. For John Clare the unenclosed moor was a symbol also of the poor's "freedom":

Unbounded freedom ruled the wandering scene  
Nor fence of ownership crept in between  
To hide the prospect of the following eye  
Its only bondage was the circling sky. . .<sup>2</sup>

Moreover, even where the communal forms of the unenclosed village were only an empty husk, form itself is not nothing. Form gave sanction to custom, that habitus, or field of play and possibility, in which interests knew how to co-exist and contend. And it reproduced an oral tradition, a customary consciousness, in which rights were asserted as "ours" rather than as mine or thine. To be sure, this was not some generous and universalistic communist spirit. "Natures wide and common sky"<sup>3</sup> is also the "circling sky": the bounded, circular, jealously possessive consciousness of the parish.<sup>4</sup> The communal economy was parochial and exclusive: if Weldon's rights were "ours", then Brigstock men and women must be kept out (above, p. 99). But for those who "belonged" to the parish, there remained some sense that they "owned" it and had a voice in its regulation.<sup>5</sup> In this sense, enclosure, as it came to each village, was experienced as catastrophic to the customary culture. Within the space of a year or two the labourers' world shrank suddenly, from "our" parish to a cottage which might not be their own:

<sup>1</sup>Where rural industries developed, they could also be the locus for intensive familial self-exploitation: see J. de Vries, "Labour/Leisure Trade Off", *Peasant Studies*, i (1972).

<sup>2</sup>John Clare, "The Mores".

<sup>3</sup>John Clare, "Emmonsales Heath".

<sup>4</sup>See John Barrell, *The Idea of Landscape and the Sense of Place, 1730-1840: an Approach to the Poetry of John Clare* (Cambridge, 1972).

<sup>5</sup>For the notion of the "real" owners — families with long local presence — see Marilyn Strathern, *Kinship at the Core* (Cambridge, 1981).



Fence now meets fence in owners little bounds  
Of field and meadow large as garden grounds  
In little parcels little minds to please  
With men and flocks imprisoned ill at ease.<sup>1</sup>

Enclosure was announced with the "hated sign" of the private owner, which ordered labourers (like any strangers) not to "trespass" on their own commons.

Despite the long erosion of common right usages and the long pre-history of capitalist penetration into the peasant economy, parliamentary enclosure still "marked a turning-point in the social history of many English villages", a turning-point identified most clearly by Dr Neeson:

It struck at the roots of the economy of multiple occupations and it taught the small peasantry the new reality of class relations. John Clare's hatred of its symbol — the newly prosperous, socially aspirant farmer — is illustration of the growing separation of classes that enclosure embodied. . . Perhaps this separation was a long time coming. But until enclosure it was masked by other relationships born of customary agricultural regulation and shared use-rights over land. The organization of work in the open field system encouraged co-operation; and defence of common rights required the protection of lesser rights as well as greater. Enclosure tore away the mask not only to reveal more clearly the different interests of small and large landowners but also to profit one at the expense of the other. . . Enclosure had a terrible but instructive visibility.<sup>2</sup>

We are fortunate to have in John Clare's writing a sensitive record of this customary consciousness as it came under agonising strain. It does not matter whether enclosure in Helpston resulted in more or fewer small farmers. The immiseration of the rural workers was not at the centre of Clare's poetic concern (although he did not forget it). What concerned him more was the new instrumental and exploitative stance, not only towards labour ("that necessary tool of wealth and pride") but also towards the natural world. It is not (as some critics suppose) that this peasant poet was more motivated by "aesthetic" than by social protest. Clare may be described, without hindsight, as a poet of ecological protest: he was not writing about man here and

<sup>1</sup> John Clare, "The Mores".

<sup>2</sup> Neeson, "Opponents of Enclosure".

nature there, but lamenting a threatened equilibrium in which both were involved:

Ah cruel foes with plenty blest  
So ankering after more  
To lay the greens and pasture waste  
Which profitted before.<sup>1</sup>

The mutual profit of both greens and pasture and of their farmers is suggested "before"; now these are laid waste for the sole profit of the enclosers.

Helpston was enclosed during Clare's adolescence, and thereafter pre-enclosure Helpston was recalled as an Eden, a world of lost childhood innocence. No doubt his memories were sweetened by the contrast:

I was never easy but when I was in the fields passing my sabbath and leisure with the shepherds & herdboys as fancys prompted sometimes playing at marbles on the smooth-beaten sheeptracks or leapfrog among the thymy molehills sometimes running among the corn to get the red & blue flowers for cockades to play at soldiers or running into the woods to hunt strawberries or stealing peas in churchtime. . .<sup>2</sup>

This conveys his sense of belonging, since childhood — perhaps especially in childhood — within a shared and "free" communal space, a space which shrank within the fenced bounds of private ownership with enclosure.

We do not have to ask for other evidence to support John Clare, since his poems *are* the evidence of a tormented customary consciousness. If Clare became known as a poet of locality, this also belongs to the customary consciousness. There is a set of customary norms and practices here which go together. There is an economy in which exchanges of services and favours remain significant, of which local features of the landscape are reminders. There is the local idiom of dialect — drawn upon so effectively in Clare's verse — which seems (deceptively) to be a more "social" product than standardised English, — dialect which was becoming in the eighteenth century, not the medium of local or regional speech but of regional *plebeian* speech, and which is itself the sign of a

<sup>1</sup> John Clare, "The Lamentations of Round-Oak Waters".

<sup>2</sup> *The Prose of John Clare*, ed. J. W. and Anne Tibble (1951), p. 12.



certain kind of customary consciousness.<sup>1</sup> There are local institutions for regulating the occasions of the community, including the poor laws, which might still, in pre-enclosure days be administered with a rough rule-of-thumb neighbourliness, but which in step with "improvement" acquired their end-of-century mix of indignity, dependency and discipline. "The parish", a term which once suggested home and security, was becoming a term ("on the parish") suggestive of meanness and shame. And, finally, there are the forms of customary pastimes and of ritual in which people "lose themselves in recreation in order to recreate themselves as a community".<sup>2</sup>

No doubt we will be warned against sentimentalising this customary pre-enclosure consciousness, which was the vector of its own kinds of narrowness, brutality and superstition. That is true, but it is sometimes the only part of the truth which is now remembered. The commons and wastes shrank, in the nineteenth century, to the village greens (if such survived) and communally-shared custom shrank to the "calendar customs" and survivals collected by the folklorists. I have been trying to recall customary consciousness in a larger sense, in which community was sustained by actual resources and usages. Young Clare was driven to fury by a farmer who actually locked up a public pump —

To lock up Water — must undoubted stand  
Among the Customs of a Christian Land  
An Action quite Uncommon. . .<sup>3</sup>

No doubt he savoured the double resonance of "Uncommon". The private appropriation of the natural world which enclosure symbolised was (for Clare) an offence to both "nature" and human community, and he identified as

<sup>1</sup>I find especially helpful on many of these points Johanne Clare, *John Clare and the Bounds of Circumstance* (Kingston and Montreal, 1987).

<sup>2</sup>See *ibid.*, p. 99; Robert W. Malcolmson, *Popular Recreations in English Society* (Cambridge, 1973), esp. ch. 4 and Hugh Cunningham, *Leisure in the Industrial Revolution* (1980), ch. 2.

<sup>3</sup>John Clare, *The Parish*, ed. Eric Robinson and David Powell, notes p. 90.

enemy to both a logic which is with us still in factory farming and the privatisation of water.

Clare's remarkable enclosure elegies, "The Mores" and "Remembrances", take us back within that conceptual universe before "lawless laws enclosure came". After leading us through childhood memories of play upon the common he comes with startling suddenness upon the gamekeeper's gibbet:

I see the little mouldwarps hang swceing to the wind  
On the only aged willow that in all the field remains  
And nature hides her face while theyre sweeing in their chains  
And in silent murmuring complains  
Here was commons for their hills where they seek for freedom still  
Though every commons gone and though traps are set to kill  
The little homeless miners. . .

These are real moles, but the image is also one of displaced commoners. So close is the mutual ecological imbrication of the human and the natural that each might stand for the other. And Clare strains to convey the strength of feeling of "a rhyming peasant"<sup>1</sup> for a locality whose landmarks are not privately possessed but still (in a shared sense) intensely *owned*!

By Langley bush I roam but the bush hath left its hill  
On cowper green I stray tis a desert strange and chill  
And spreading lea close oak ere decay had penned its will  
To the axe of the spoiler and self interest fell a prey  
And crossberry way and old round oaks narrow lane  
With its hollow trees like pulpits I shall never see again  
Inclosure like a buonaparte let not a thing remain  
It levelled every bush and tree and levelled every hill  
And hung the moles for traitors — though the brook is running still  
It runs a naked stream cold and chill<sup>2</sup>

The old landmarks of the parish perambulation have gone and that whole universe of custom is now only a memory in the poet's head. The gentry had accomplished the final and most precipitate episode of enclosures during the French

<sup>1</sup>Clare wrote that "The Village Minstrel" dissatisfied him because "it does not describe the feelings of a rhyming peasant strongly or locally enough", *Selected Poems and Prose of John Clare*, ed. Eric Robinson and G. Summerfield (Oxford, 1967), p. 67.

<sup>2</sup>John Clare, "Remembrances".



Wars, with the cry that "Bony is coming!", and they had harried their domestic opponents with their Associations for the Protection of Property against Republicans and Levellers. In the word "levelled" Clare turns their world around and reveals its underside of greed and repression. As the Maulden cottager told Arthur Young in 1804 "Inclosing was worse than ten wars". And in the moles, hanged and "sweeing to the wind" there is probably an allusion — for "Remembrances" was written in 1832 — to the Swing riots of 1830 and the victims selected for the gallows.

It is not that John Clare — nor the commoners for whom he spoke — were primitive communists. Viewed from their standpoint, the communal forms expressed an alternative notion of possession, in the petty and particular rights and usages which were transmitted in custom as the *properties* of the poor. Common right, which was in lax terms coterminous with settlement, was *local* right, and hence was also a power to exclude strangers. Enclosure, in taking the commons away from the poor, made them strangers in their own land.

## Chapter Four

### *The Moral Economy of the English Crowd in the Eighteenth Century*

He that withholdeth Corn, the People shall curse him: but Blessing shall be upon the Head of him that selleth it.

Proverbs xi. 26

#### I

We have been warned in recent years, by George Rudé and others, against the loose employment of the term "mob". I wish in this chapter to extend the warning to the term "riot", especially where the food riot in eighteenth-century England is concerned.

This simple four-letter word can conceal what may be described as a spasmodic view of popular history. According to this view the common people can scarcely be taken as historical agents before the French Revolution. Before this period they intrude occasionally and spasmodically upon the historical canvas, in periods of sudden social disturbance. These intrusions are compulsive, rather than self-conscious or self-activating: they are simple responses to economic stimuli. It is sufficient to mention a bad harvest or a downturn in trade, and all requirements of historical explanation are satisfied.

Unfortunately, even among those few British historians who have added to our knowledge of such popular actions, several have lent support to the spasmodic view. They have reflected in only a cursory way upon the materials which they themselves disclose. Thus Beloff comments on the food riots of the early eighteenth century: "this resentment, when unemployment and high prices combined to make conditions unendurable, vented itself in attacks upon corn-dealers and



millers, attacks which often must have degenerated into mere excuses for crime".<sup>1</sup> But we search his pages in vain for evidence as to the frequency of this "degeneration". Wearmouth, in his useful chronicle of disturbance, allows himself one explanatory category: "distress".<sup>2</sup> Ashton, in his study of food riots among the colliers, brings the support of the paternalist: "the turbulence of the colliers is, of course, to be accounted for by something more elementary than politics: it was the instinctive reaction of virility to hunger".<sup>3</sup> The riots were "rebellions of the belly", and there is a suggestion that this is somehow a comforting explanation. The line of analysis runs: elementary — instinctive — hunger. Charles Wilson continues the tradition: "Spasmodic rises in food prices provoked keelmen on the Tyne to riot in 1709, tin miners to plunder granaries at Falmouth in 1727". One spasm led to another: the outcome was "plunder".<sup>4</sup>

For decades systematic social history has lagged in the rear of economic history, until the present day, when a qualification in the second discipline is assumed to confer, automatically, proficiency in the first. One cannot therefore complain that recent scholarship has tended to sophisticate and quantify evidence which is only imperfectly understood. The dean of the spasmodic school is of course Rostow, whose

<sup>1</sup>M. Beloff, *Public Order and Popular Disturbances, 1660-1714* (Oxford, 1938), p. 75.

<sup>2</sup>R. F. Wearmouth, *Methodism and the Common People of the Eighteenth Century* (1945), esp. chs. 1 and 2.

<sup>3</sup>T. S. Ashton and J. Sykes, *The Coal Industry of the Eighteenth Century* (Manchester, 1929), p. 131.

<sup>4</sup>Charles Wilson, *England's Apprenticeship, 1603-1763* (1965), p. 345. It is true that the Falmouth magistrates reported to the duke of Newcastle (16 Nov. 1727) that "the unruly tinnners" had "broke open and plundered several cellars and granaries of corn". Their report concludes with a comment which suggests that they were no more able than some modern historians to understand the rationale of the direct action of the tinnners: "the occasion of these outrages was pretended by the rioters to be a scarcity of corn in the county, but this suggestion is probably false, as most of those who carried off the corn gave it away or sold it at quarter price" PRO, SP 36/4/22.

crude "social tension chart" was first put forward in 1948.<sup>1</sup> According to this, we need only bring together an index of unemployment and one of high food prices to be able to chart the course of social disturbance. This contains a self-evident truth (people protest when they are hungry): and in much the same way a "sexual tension chart" would show that the onset of sexual maturity can be correlated with a greater frequency of sexual activity. The objection is that such a chart, if used unwisely, may conclude investigation at the exact point at which it becomes of serious sociological or cultural interest: being hungry (or being sexy), what do people do? How is their behaviour modified by custom, culture, and reason? And (having granted that the primary stimulus of "distress" is present) does their behaviour contribute towards any more complex, culturally-mediated function, which cannot be reduced — however long it is stewed over the fires of statistical analysis — back to stimulus once again?

Too many of our growth historians are guilty of a crass economic reductionism, obliterating the complexities of motive, behaviour, and function, which, if they noted it in the work of their marxist analogues, would make them protest. The weakness which these explanations share is an abbreviated view of economic man. What is perhaps an occasion for surprise is the schizoid intellectual climate, which permits this quantitative historiography to co-exist (in the same places and sometimes in the same minds) with a social anthropology which derives from Durkheim, Weber, or Malinowski. We know all about the delicate tissue of social norms and reciprocities which regulates the life of Trobriand islanders, and the psychic energies involved in the cargo cults of Melanesia; but at some point this infinitely-complex social creature, Melanesian man, becomes (in our histories) the eighteenth-century English collier who claps his hand spasmodically upon his stomach, and responds to elementary economic stimuli.

<sup>1</sup>W. W. Rostow, *British Economy in the Nineteenth Century* (Oxford, 1948), esp. pp. 122-5. Among the more interesting studies which correlate prices, harvests, and popular disturbance are: E. J. Hobsbawm, "Economic Fluctuations and Some Social Movements", in *Labouring Men* (1964) and T. S. Ashton, *Economic Fluctuations in England, 1700-1800* (Oxford, 1959).



To the spasmodic I will oppose my own view.<sup>1</sup> It is possible to detect in almost every eighteenth-century crowd action some legitimising notion. By the notion of legitimation I mean that the men and women in the crowd were informed by the belief that they were defending traditional rights or customs; and, in general, that they were supported by the wider consensus of the community. On occasion this popular consensus was endorsed by some measure of licence afforded by the authorities. More commonly, the consensus was so strong that it overrode motives of fear or deference.

The food riot in eighteenth-century England was a highly complex form of direct popular action, disciplined and with clear objectives. How far these objectives were achieved — that is, how far the food riot was a “successful” form of action — is too intricate a question to tackle within the limits of a chapter; but the question can at least be posed (rather than, as is customary, being dismissed unexamined with a negative), and this cannot be done until the crowd’s own objectives are identified. It is of course true that riots were triggered off by soaring prices, by malpractices among dealers, or by hunger. But these grievances operated within a popular consensus as to what were legitimate and what were illegitimate practices in marketing, milling, baking, etc. This in its turn was grounded upon a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor. An outrage to these moral assumptions, quite as much as actual deprivation, was the usual occasion for direct action.

While this moral economy cannot be described as “political” in any advanced sense, nevertheless it cannot be described as unpolitical either, since it supposed definite, and passionately held, notions of the common weal — notions which, indeed, found some support in the paternalist tradition of the authorities; notions which the people

<sup>1</sup>I have found most helpful the pioneering study by R. B. Rose, “Eighteenth Century Price Riots and Public Policy in England”, *International Review of Social History*, vi (1961); and G. Rudé, *The Crowd in History* (New York, 1964).

re-echoed so loudly in their turn that the authorities were, in some measure, the prisoners of the people. Hence this moral economy impinged very generally upon eighteenth-century government and thought, and did not only intrude at moments of disturbance. The word “riot” is too small to encompass all this.

## II

As we speak of the cash-nexus which emerged through the industrial revolution, so there is a sense in which we can speak of the eighteenth-century bread-nexus. The conflict between the countryside and the town was mediated by the price of bread. The conflict between traditionalism and the new political economy turned upon the Corn Laws. Economic class-conflict in nineteenth-century England found its characteristic expression in the matter of wages; in eighteenth-century England the working people were most quickly inflamed to action by rising prices.

This highly-sensitive consumer-consciousness co-existed with the great age of agricultural improvement, in the corn belt of the East and South. Those years which brought English agriculture to a new pitch of excellence were punctuated by the riots — or, as contemporaries often described them, the “insurrections” or “risings of the poor” — of 1709, 1740, 1756-7, 1766-7, 1773, 1782, and, above all, 1795 and 1800-1. This buoyant capitalist industry floated upon an irascible market which might at any time dissolve into marauding bands, who scoured the countryside with bludgeons, or rose in the market-place to “set the price” of provisions at the popular level. The fortunes of those most vigorous capitalist classes rested, in the final analysis, upon the sale of cereals, meat, wool; and the first two must be sold, with little intermediary processing, to the millions who were the consumers. Hence the frictions of the market-place take us into a central area of the nation’s life.

The labouring people in the eighteenth century did not live by bread alone, but (as the budgets collected by Eden and David Davies show) many of them lived very largely on bread. This bread was not altogether wheaten, although wheaten bread gained ground steadily over other varieties until the early 1790s. In the 1760s Charles Smith estimated



that of a supposed population of about six millions in England and Wales, 3,750,000 were wheat-eaters, 888,000 ate rye, 739,000 ate barley, and 623,000 oats.<sup>1</sup> By 1790 we may judge that at least two-thirds of the population were eating wheat.<sup>2</sup> The pattern of consumption reflected, in part, comparative degrees of poverty, and, in part, ecological conditions. Districts with poor soils and upland districts (like the Pennines) where wheat will not ripen, were the strongholds of other cereals. Still, in the 1790s, the Cornish tinnners subsisted largely on barley bread. Much oatmeal was consumed in Lancashire and Yorkshire — and not only by the poor.<sup>3</sup> Accounts from Northumberland conflict, but it would seem that Newcastle and many of the surrounding pit villages had by then gone over to wheat, while the countryside and smaller towns subsisted on oatmeal, rye bread, maslin,<sup>4</sup> or a mixture of barley and “gray pease”.<sup>5</sup>

Through the century, again, white bread was gaining upon darker wholemeal varieties. This was partly a matter of status-values which became attached to white bread, but by no means wholly so. The problem is most complex, but several aspects may be briefly mentioned. It was to the advantage of bakers and of millers to sell white bread or fine flour, since the profit which might be gained from such sales was, in general, larger. (Ironically, this was in part a consequence of paternalist consumer-protection, since the Assize of Bread was intended to prevent the bakers from taking their profit from the bread of the poor; hence it was in

<sup>1</sup>C. Smith, *Three Tracts on the Corn-Trade and Corn-Laws*, 2nd edn. (1766), pp. 140, 182-5.

<sup>2</sup>See Fitzjohn Brand, *A Determination of the Average Depression of Wheat in War below that of the Preceding Peace etc.* (1800), pp. 62-3, 96.

<sup>3</sup>These generalisations are supported by “replies from towns as to bread in use”, returned to the Privy Council in 1796 in PRO, PC 1/33/A.87 and A.88.

<sup>4</sup>For maslin (a mixed bread of several cereals) see Sir William Ashley, *The Bread of our Forefathers* (Oxford, 1928), pp. 16-19.

<sup>5</sup>See Smith, *op. cit.*, p. 194 (for 1765). But the mayor of Newcastle reported (4 May 1796) that rye bread was “much used by the workmen employed in the Coal Trade”, and a reporter from Hexham Abbey said that barley, barley and gray pease, or beans, “is the only bread of the labouring poor and farmers’ servants and even of many farmers”, with rye or maslin in the towns: PRO, PC 1/33/A.88.

the baker’s interest to make as little “household” bread as possible, and that little nasty.<sup>1</sup>) In the cities, which were alert to the dangers of adulteration, dark bread was suspect as offering easy concealment for noxious additives. In the last decades of the century many millers adapted their machinery and bolting-cloths, so that they were not in fact able to dress the flour for the intermediary “household” loaf, producing only the finer qualities for the white loaf and the “offal” for a brown loaf which one observer found “so musty, griping, and pernicious as to endanger the constitution”.<sup>2</sup> The attempts of the authorities, in times of scarcity, to impose the manufacture of coarser grades (or, as in 1795, the general use of the “household” loaf), were attended by many difficulties, and often resistance by both millers and bakers.<sup>3</sup>

By the end of the century feelings of status were profoundly involved wherever wheaten bread prevailed, and was threatened by a coarser mixture. There is a suggestion that labourers accustomed to wheaten bread actually could not work — suffered from weakness, indigestion, or nausea — if forced to change to rougher mixtures.<sup>4</sup> Even in the face of the outrageous prices of 1795 and 1800-1, the resistance of many of the working people was impermeable.<sup>5</sup> The Guild Stewards of Calne informed the Privy Council in 1796 that

<sup>1</sup>Nathaniel Forster, *An Enquiry into the Cause of the High Price of Provisions* (1767), pp. 144-7.

<sup>2</sup>J. S. Girdler, *Observations on the Pernicious Consequences of Fore-stalling, Regrating and Ingrossing* (1800), p. 88.

<sup>3</sup>The problem was discussed lucidly in [Governor] Pownall, *Considerations on the Scarcity and High Prices of Bread-corn and Bread* (Cambridge, 1795), esp. pp. 25-7. See also Lord John Sheffield, *Remarks on the Deficiency of Grain occasioned by the bad Harvest of 1799* (1800), esp. pp. 105-6 for the evidence that (1795) “there is no household bread made in London”. A Honiton correspondent in 1766 described household bread as “a base mixture of fermented Bran ground down and bolted, to which is added the worst kind of meal not rang’d”: HMC, *City of Exeter*, series lxxiii (1916), p. 255. On this very complex question see further S. and B. Webb, “The Assize of Bread”, *Economic Journal*, xiv (1904), esp. pp. 203-6.

<sup>4</sup>See e.g. Lord Hawkesbury to the duke of Portland, 19 May 1797, in PRO, HO 42/34.

<sup>5</sup>See R. N. Salaman, *The History and Social Influence of the Potato* (Cambridge, 1949), esp. pp. 493-517. Resistance extended from the wheat-eating South and Midlands to the oatmeal-eating North; a correspondent



"creditable" people were using the barley-and-wheat mixture required by authority, and that the manufacturing and labouring poor with large families

have in general used barley bread alone. The rest, making perhaps something about one-third of the poor manufactures and others, with smaller families (saying they could get nothing *but bread*) have, as before the scarcity, eat nothing but baker's bread, made of wheatmeal called seconds.<sup>1</sup>

The Bailiff of Reigate reported in similar terms:

... as to the poor labourers who have scarce any sustenance but bread, & from the custom of the neighbourhood have always eaten bread made of wheat only; amongst these I have neither urged nor wished a mixture of bread, least they should not be nourished sufficiently to support their labour.

Those few labourers who had tried a mixture "found themselves feeble, hot, & unable to labour with any degree of vigor".<sup>2</sup> When, in December 1800, the government introduced an Act (popularly known as the Brown Bread Act or "Poison Act") which prohibited millers from making any other than wholemeal flour, the response of the people was immediate. At Horsham (Sussex),

A number of women. . . proceeded to Gosden wind-mill, where, abusing the miller for having served them with brown flour, they seized on the cloth with which he was then dressing meal according to the directions of the Bread Act, and cut it into a thousand pieces; threatening at the same time to serve all similar utensils he might in future attempt to use in the same manner. The amazonian leader of this petticoated cavalcade afterwards regaled her associates with a guinea's worth of liquor at the Crab Tree public-house.

from Stockport in 1795 noted that "a very liberal subscription has been entered into for the purpose of distributing oatmeal & other provisions among the poor at reduced prices — This measure, I am sorry to say, gives little satisfaction to the common people, who are still clamorous & insist on having wheaten bread": PRO, WO 1/1094. See also J. L. and B. Hammond, *The Village Labourer* (1966), pp. 119-23.

<sup>1</sup>PRO, PC 1/33/A.88. Compare the return from J. Boucher, vicar of Epsom, 8 Nov. 1800 in HO 42/54: "Our Poor live not only on the finest wheaten bread, but almost on bread alone."

<sup>2</sup>PRO, PC 1/33/A.88.

As a result of such actions, the Act was repealed in less than two months.<sup>1</sup>

When prices were high, more than one-half of the weekly budget of a labourer's family might be spent on bread.<sup>2</sup> How did these cereals pass, from the crops growing in the field, to the labourers' homes? At first sight it appears simple. There is the corn: it is harvested, threshed, taken to market, ground at the mill, baked, and eaten. But at every point within this process there are radiating complexities, opportunities for extortion, flash-points around which riots could arise. And it is scarcely possible to proceed further without sketching out, in a schematic way, the paternalist model of the marketing and manufacturing process — the traditional platonic ideal appealed to in Statute, pamphlet, or protest movement — against which the awkward realities of commerce and consumption were in friction.

The paternalist model existed in an eroded body of Statute law, as well as common law and custom. It was the model which, very often, informed the actions of government in times of emergency until the 1770s; and to which many local magistrates continued to appeal. In this model, marketing should be, so far as possible, *direct*, from the farmer to the consumer. The farmers should bring their corn in bulk to the local pitching market; they should not sell it while standing in the field, nor should they withhold it in the hope of rising prices. The markets should be controlled; no sales should be made before stated times, when a bell would ring; the poor should have the opportunity to buy grain, flour, or meal first, in small parcels, with duly-supervised weights and measures.

<sup>1</sup>PRO, PC 1/33/a.88; *Reading Mercury*, 16 Feb. 1801. Hostility to these changes in milling, which were imposed by an Act of 1800 (41 Geo. III, c.16) was especially strong in Surrey and Sussex. Complainants produced samples of the new bread to a Surrey JP: "They represented it as disagreeable to the taste (as indeed it was), as utterly incompetent to support them under their daily labour, & as productive of bowelly complaints to them and to their children in particular": Thomas Turton to Portland, 7 Feb. 1801, HO 42/61. The Act was repealed in 1801: 42 Geo. III, c.2.

<sup>2</sup>See especially the budgets in D. Davies, *The Case of Labourers in Husbandry* (Bath, 1795); and Sir Frederick Eden, *The State of the Poor* (1797). Also D. J. V. Jones, "The Corn Riots in Wales, 1793-1801", *Welsh Hist. Rev.*, ii, 4 (1965), App. I, p. 347.



At a certain hour, when their needs were satisfied, a second bell would ring, and larger dealers (duly licensed) might make their purchases. Dealers were hedged around with many restrictions, inscribed upon the musty parchments of the laws against forestalling, regrating and engrossing, codified in the reign of Edward VI. They must not buy (and farmers must not sell) by sample. They must not buy standing crops, nor might they purchase to sell again (within three months) in the same market at a profit, or in neighbouring markets, and so on. Indeed, for most of the eighteenth century the middleman remained legally suspect, and his operations were, in theory, severely restricted.<sup>1</sup>

From market-supervision we pass to consumer-protection. Millers and — to a greater degree — bakers were considered as servants of the community, working not for a profit but for a fair allowance. Many of the poor would buy their grain direct in the market (or obtain it as supplement to wages or in gleanings); they would take it to the mill to be ground, where the miller might exact a customary toll, and then would bake their own bread. In London and those large towns where this had long ceased to be the rule, the baker's allowance or profit was calculated strictly according to the Assize of Bread, whereby either the price or the weight of the loaf was ordered in relation to the ruling price of wheat.<sup>2</sup>

This model, of course, parts company at many points with eighteenth-century realities. What is more surprising is to note how far parts of it were still operative. Thus Aikin in 1795 is able to describe the orderly regulation of Preston market:

<sup>1</sup> The best general study of eighteenth-century corn marketing remains R. B. Westerfield, *Middlemen in English Business, 1660-1760* (New Haven, 1915), ch. 2. Also see N. S. B. Gras, *The Evolution of the English Corn Market from the Twelfth to the Eighteenth Century* (Cambridge, Mass., 1915); D. G. Barnes, *A History of the English Corn Laws* (1930); C. R. Fay, *The Corn Laws and Social England* (Cambridge, 1932); E. Lipson, *Economic History of England*, 6th edn. (1956), ii, pp. 419-48; L. W. Moffitt, *England on the Eve of the Industrial Revolution* (1925), ch. 3; G. E. Fussell and C. Goodman, "Traffic in Farm Produce in Eighteenth Century England", *Agricultural History*, xii, 2 (1938); Janet Blackman, "The Food Supply of an Industrial Town (Sheffield)", *Business History*, v (1963).

<sup>2</sup> S. and B. Webb, "The Assize of Bread".

The weekly markets. . . are extremely well regulated to prevent forestalling and regrating. None but the town's-people are permitted to buy during the first hour, which is from eight to nine in the morning: at nine others may purchase: but nothing unsold must be withdrawn from the market till one o'clock, fish excepted. . .<sup>1</sup>

In the same year in the South-West (another area noted for traditionalism) the city authorities at Exeter attempted to control "hucksters, higlers, and retailers" by excluding them from the market between 8 a.m. and noon, at which hours the Guildhall bell would be rung.<sup>2</sup> The Assize of Bread was still effective throughout the eighteenth century in London and in many market towns.<sup>3</sup> If we follow through the case of sale by sample we may observe how dangerous it is to assume prematurely the dissolution of the customary restrictions.

It is often supposed that sale of corn by sample was general by the middle of the seventeenth century, when Best describes the practice in East Yorkshire,<sup>4</sup> and certainly by 1725, when Defoe gave his famous account of the corn trade.<sup>5</sup> But, while many large farmers were no doubt selling by sample in

<sup>1</sup> J. Aikin, *A Description of the Country from thirty to forty Miles round Manchester* (1795), p. 286. One of the best surviving records of a well-regulated market in the eighteenth century is that of Manchester. Here market lookers for fish and flesh, for corn weights and measures, for white meats, for the Assize of Bread, ale-tasters, and officers to prevent "engrossing, forestalling and regretting" were appointed throughout the century, and fines for short weight and measure, unmarketable meat, etc. were frequent until the 1750s; supervision thereafter was somewhat more perfunctory (although continuing) with a revival of vigilance in the 1790s. Fines were imposed for selling loads of grain before the market bell in 1734, 1737, and 1748 (when William Wyat was fined 20s. "for selling before the Bell rung and declaring he would sell at any Time of the Day in Spite of either Lord of the Mannor or any person else"), and again in 1766. *The Court Leet Records of the Manor of Manchester*, ed. J. P. Earwaker (Manchester, 1888/9), vii, viii and ix, *passim*. For the regulation of forestalling at Manchester, see note 3 on p. 209.

<sup>2</sup> Proclamation by Exeter Town Clerk, 28 March 1795, PRO, HO 42/34.

<sup>3</sup> See S. and B. Webb, *op. cit.*, *passim*; and J. Burnett, "The Baking Industry in the Nineteenth Century", *Business History*, v. (1963), pp. 98-9.

<sup>4</sup> *Rural Economy in Yorkshire in 1641* (Surtees Society, xxxiii, 1857), pp. 99-105.

<sup>5</sup> *The Complete English Tradesman* (1727), ii, pt. 2.



most counties by this date, the old pitching markets were still common, and even survived in the environs of London. In 1718 a pamphleteer described the decline of country markets as having taken place only in recent years:

One can see little else besides toy-shops and stalls for bawbles and knick-knacks. . . . The tolls are sunk to nothing; and where, in the memory of many inhabitants, there us'd to come to town upon a day, one, two, perhaps three, and in some boroughs, four hundred loads of corn, now grass grows in the market-place.

The farmers (he complained) had come to shun the market and to deal with jobbers and other "interlopers" at their doors. Other farmers still brought to market a single load "to make a show of a market, and to have a Price set", but the main business was done in "parcels of corn in a bag or handkerchief which are called *samples*".<sup>1</sup>

This was, indeed, the drift of things. But many smaller farmers continued to pitch their grain in the market as before; and the old model remained in men's minds as a source of resentment. Again and again the new marketing procedures were contested. In 1710 a petition on behalf of the poor people of Stony Stratford (Buckinghamshire) complains that the farmers and dealers were "buying and selling in the farmyards and att their Barne Doores soo that now the poor Inhabitants cannot have a Grist at reasonable rates for our money which is a Great Calamity".<sup>2</sup> In 1733 several boroughs petitioned the House of Commons against the practice: Haslemere (Surrey) complained of millers and mealmen engrossing the trade — they "secretly bought great quantities of corn by small samples, refusing to buy such as hath been pitch'd in open market".<sup>3</sup> There is a suggestion of something underhand in the practice, and of a loss of transparency in the marketing procedure.

As the century advances the complaints do not die down, although they tend to move northwards and westwards. In

<sup>1</sup> Anon., *An Essay to prove that Reagrators, Engrossers, Forestallers, Hawkers, and Jobbers of Corn, Cattle, and other Marketable Goods are Destructive of Trade, Oppressors to the Poor, and a Common Nuisance to the Kingdom in General* (1719), pp. 13, 18-20.

<sup>2</sup> Bucks. CRO, Quarter Sessions, Michaelmas 1710.

<sup>3</sup> *Commons Journals*, 2 March 1733.

the dearth of 1756 the Privy Council, in addition to setting in motion the old laws against forestalling, issued a proclamation enjoining "all farmers, under severe penalties, to bring their corn to open market, and not to sell by sample at their own dwellings".<sup>1</sup> But the authorities did not like to be pressed on the point too closely: in 1766 (another year of scarcity) the Surrey magistrates enquired whether buying by sample in fact remained a punishable offence, and received a portentously evasive reply — H.M.'s Secretary is not by his office entitled to give interpretation to the Laws.<sup>2</sup>

Two letters give some insight into the spread of new practices towards the West. A correspondent writing to Lord Shelburne in 1766 accused the dealers and millers at Chippenham of "confederacy":

He himself sent to market for a quarter of wheat, and though there were many loads there, and it soon after the market bell rang, wherever his agent applied, the answer was "'Tis sold". So that, though. . . to avoid the penalty of the law, they bring it to market, yet the bargain is made before, and the market is but a farce. . .<sup>3</sup>

(Such practices could be the actual occasion of riot: in June 1757 it was reported that "the population rose at Oxford and in a few minutes seized and divided a load of corn that was suspected to have been bought by sample, and only brought to the market to save appearances".<sup>4</sup>) The second letter, from a correspondent in Dorchester in 1772, describes a different practice of market-fixing: he claimed that the great farmers got together to fix the price before the market,

and many of these men won't sell less than forty bushels, which the poor can't purchase. Therefore the miller, who is no enemy to the farmer, gives the price he asks and the poor must come to his terms.<sup>5</sup>

Paternalists and the poor continued to complain at the extension of market practices which we, looking back, tend

<sup>1</sup> PRO, PC 1/6/63.

<sup>2</sup> *Calendar of Home Office Papers* (1879), 1766, pp. 92-4.

<sup>3</sup> *Ibid.*, pp. 91-2.

<sup>4</sup> *Gentleman's Magazine*, xxvii (1757), p. 286.

<sup>5</sup> Anonymous letter in PRO, SP 37/9.



to assume as inevitable and "natural".<sup>1</sup> But what may now appear as inevitable was not, in the eighteenth century necessarily a matter for approval. A characteristic pamphlet (of 1768) exclaimed indignantly against the supposed liberty of every farmer to do as he likes with his own. This would be a "natural", not a "civil" liberty.

It cannot then be said to be the liberty of a citizen, or of one who lives under the protection of any community; it is rather the liberty of a savage; therefore he who avails himself thereof, deserves not that protection, the power of Society affords.

Attendance of the farmer at market is "a material part of his duty; he should not be suffered to secret or to dispose of his goods elsewhere".<sup>2</sup> But after the 1760s the pitching markets performed so little function in most parts of the South and the Midlands that, in these districts, the complaint against sample-sale is less often heard, although the complaint that the poor cannot buy in small parcels is still being made at the end of the century.<sup>3</sup> In parts of the North it was a different matter. A petition of Leeds labourers in 1795 complains of the "corn factors and the millers and a set of peopul which we call hucksters and mealmen who have got the corn into thare hands that they may hold it up and sell it at thare owne price or they will not sell it." "The farmers carry no corn to market but what they carre in thare pocket for thare sample. . . which cause the poore to groane very

<sup>1</sup>Examples, from an abundant literature, will be found in *Gentleman's Magazine*, xxvi (1756), p. 534; Anon. [Ralph Courteville], *The Cries of the Public* (1758), p. 25; Anon. ["C.L."], *A Letter to a Member of Parliament proposing Amendments to the Laws against Forestallors, Ingrossers, and Regraters* (1757), pp. 5-8; *Museum Rusticum et Commerciale*, iv (1765), p. 199; Forster, *op. cit.*, p. 97.

<sup>2</sup>Anon., *An Enquiry into the Price of Wheat, Malt, etc.* (1768), pp. 119-23.

<sup>3</sup>See e.g. Davies (below p. 216). It was reported from Cornwall in 1795 that "many farmers refuse to sell [barley] in small quantities to the poor, which causes a great murmuring": PRO, HO 42/34; and from Essex in 1800 that "in some places no sale takes place excepting at the ordinaries, where buyers and sellers (chiefly Millers and Factors) dine together. . . the benefit of the Market is almost lost to the neighbourhood"; such practices are mentioned "with great indignation by the lower orders": PRO, HO 42/54.

much."<sup>1</sup> So long it took for a process, which is often dated from at least one hundred years earlier, to work its way out.

This example has been followed to illustrate the density and particularity of the detail, the diversity of local practices, and the way in which popular resentment could arise as old market practices changed. The same density, the same diversity, exists throughout the scarcely-charted area of marketing. The paternalist model was, of course, breaking down at many other points. The Assize of Bread, although effective in checking the profits of bakers, simply reflected the ruling price of wheat or flour, and could in no way influence these. The millers were now, in Hertfordshire and the Thames Valley, very substantial entrepreneurs, and sometimes dealers in grain or malt as well as large-scale manufacturers of flour.<sup>2</sup> Outside the main corn-growing districts, urban markets simply could not be supplied without the operation of factors whose activities would have been nullified if legislation against forestallers had been strictly enforced.

How far did the authorities recognise that their model was drifting apart from reality? The answer must change with the authorities concerned and with the advance of the century. But a general answer can be offered: the paternalists did, in their normal practice, recognise much of the change, but they referred back to this model whenever emergency arose. In this they were in part the prisoners of the people, who adopted parts of the model as their right and heritage. There is even an impression that ambiguity was actually welcomed. It gave magistrates in disturbed districts, in time of dearth, some room for manoeuvre, and some endorsement to their attempts to reduce prices by suasion. When the Privy Council authorised (as it did in 1709, 1740, 1756 and 1766) the posting of proclamations in unreadable Gothic type threatening dire penalties against forestallers, badgers, laders, broggers, hucksters, etc., it helped the magistrates to put the fear of God into local millers and dealers. It is true that the legislation against forestallers was repealed in 1772; but the

<sup>1</sup>PRO, HO 42/35.

<sup>2</sup>See F. J. Fisher, "The Development of the London Food Market, 1540-1640", *Econ. Hist. Rev.*, v (1934-5).



repealing act was not well drawn, and during the next major scarcity in 1795 Lord Kenyon, the chief justice, took it upon himself to announce that forestalling remained an indictable offence at common law: "though the act of Edward VI be repealed (whether wisely or unwisely I take not upon me to say) yet it still remains an offence at common law, co-eval with the constitution. . .".<sup>1</sup> The trickle of prosecutions which can be observed throughout the century — usually for petty offences and only in years of scarcity — did not dry up: indeed, there were probably more in 1795 and 1800-1 than at any time in the previous twenty-five years.<sup>2</sup> But it is clear that they were designed for symbolic effect, as demonstrations to the poor that the authorities were acting vigilantly in their interests.

Hence the paternalist model had an ideal existence, and also a fragmentary real existence. In years of good harvests and moderate prices, the authorities lapsed into forgetfulness. But if prices rose and the poor became turbulent, it was revived, at least for symbolic effect.

### III

Few intellectual victories have been more overwhelming than that which the proponents of the new political economy won in the matter of the regulation of the internal corn trade. Indeed, so absolute has the victory seemed to some historians that they can scarcely conceal their impatience with the

<sup>1</sup> Lord Kenyon's charge to the Grand Jury at Shropshire Assizes, *Annals of Agriculture*, xxv (1795), pp. 110-11. But he was not proclaiming a new view of the law: the 1780 edition of Burn's *Justice*, ii, pp. 213-4 had already stressed that (despite the Acts of 1663 and 1772) "at the common law, all endeavours whatsoever to enhance the common price of any merchandize. . . whether by spreading false rumours, or by buying things in a market before the accustomed hour, or by buying and selling again the same thing in the same market" remained offences.

<sup>2</sup> Girdler, *op. cit.*, pp. 212-60, lists a number of convictions in 1795 and 1800. Private associations were established in several counties to prosecute forestallers: see the Rev. J. Malham, *The Scarcity of Grain Considered* (Salisbury, 1800), pp. 35-44. Forestalling etc. remained offences at common law until 1844: W. Holdsworth, *History of English Law* (1938), xi, p. 472. See also note 2 on pp. 209-10.

defeated party.<sup>1</sup> The model of the new political economy may, with convenience, be taken as that of Adam Smith, although *The Wealth of Nations* may be seen not only as a point of departure but also as a grand central terminus to which many important lines of discussion in the middle of the eighteenth century (some of them, like Charles Smith's lucid *Tracts on the Corn Trade* (1758-9), specifically concerned to demolish the old paternalist market regulation) all run. The debate between 1767 and 1772 which culminated in the repeal of legislation against forestalling, signalled a victory, in this area, for *laissez-faire* four years before Adam Smith's work was published.

This signified less a new model than an anti-model — a direct negative to the disintegrating Tudor policies of "provision". "Let every act that regards the corn laws be repealed", wrote Arbuthnot in 1773; "Let corn flow like water, and it will find its level".<sup>2</sup> The "unlimited, unrestrained freedom of the corn trade" was also the demand of Adam Smith.<sup>3</sup> The new economy entailed a de-moralising of the theory of trade and consumption no less far-reaching than the more widely-debated dissolution of restrictions upon usury.<sup>4</sup> By "de-moralising" it is not suggested that Smith and his colleagues were immoral<sup>5</sup> or were unconcerned for

<sup>1</sup> See e.g. Gras, *op. cit.*, p. 241 ("... as Adam Smith has shown. . ."); M. Olson, *Economics of the Wartime Shortage* (North Carolina, 1963), p. 53 ("People were quick to find a scapegoat").

<sup>2</sup> J. Arbuthnot ("A Farmer"), *An Inquiry into the Connection between the Present Price of Provisions and the Size of Farms* (1773), p. 88.

<sup>3</sup> Adam Smith's "digression concerning the Corn Trade and Corn Laws" is in Book IV, chapter 5 of *The Wealth of Nations*.

<sup>4</sup> R. H. Tawney takes in the question in *Religion and the Rise of Capitalism* (1926), but it is not central to his argument.

<sup>5</sup> The suggestion was made, however, by some of Smith's opponents. One pamphleteer, who claimed to have known him well, alleged that Adam Smith had said to him that "the Christian Religion debased the human mind", and that "Sodomy was a thing in itself indifferent". No wonder that he held heartless views on the corn trade: Anon, *Thoughts of an Old Man of Independent Mind though Dependent Fortune on the Present High Prices of Corn* (1800), p. 4.



the public good.<sup>1</sup> It is meant, rather, that the new political economy was disinfested of intrusive moral imperatives. The old pamphleteers were moralists first and economists second. In the new economic theory questions as to the moral polity of marketing do not enter, unless as preamble and peroration.

In practical terms, the new model worked in this way. The natural operation of supply and demand in the free market would maximise the satisfaction of all parties and establish the common good. The market was never better regulated than when it was left to regulate itself. In the course of a normal year, the price of corn would adjust itself through the market mechanism. Soon after harvest the small farmers, and all those with harvest wages and Michaelmas rents to pay, would thresh out their corn and bring it to market, or release what they had pre-contracted to sell. From September to Christmas low prices might be expected. The middling farmers would hold their corn, in the hope of a rising market, until the early spring; while the most opulent farmers and farming gentry would hold some of theirs until still later — from May to August — in expectation of catching the market at the top. In this way the nation's corn reserves were conveniently rationed, by the price mechanism, over fifty-two weeks, without any intervention by the State. Insofar as middlemen intervened and contracted for the farmers' crops in advance, they performed this service of rationing even more efficiently. In years of dearth the price of grain might advance to uncomfortable heights; but this was providential, since (apart from providing an incentive to the importer) it was again an effective form of rationing, without which all stocks would be consumed in the first nine months of the year, and in the remaining three months dearth would be exchanged for actual famine.

The only way in which this self-adjusting economy might break down was through the meddlesome interference of the

<sup>1</sup>On the level of *intention* I see no reason to disagree with Professor A. W. Coats, "The Classical Economists and the Labourer", in E. L. Jones and C. E. Mingay (eds.), *Land, Labour and Population* (1967). But intention is a bad measure of ideological interest and of historical consequences.

State and of popular prejudice.<sup>1</sup> Corn must be left to flow freely from areas of surplus to areas of scarcity. Hence the middleman played a necessary, productive, and laudable role. The prejudices against forestallers Smith dismissed curtly as superstitions on a level with witchcraft. Interference with the natural pattern of trade might induce local famines or discourage farmers from increasing their output. If premature sales were forced, or prices restrained in times of dearth, excessive stocks might be consumed. If farmers did hold back their grain too long, they would be likely to suffer when prices broke. As for the other popular culprits — millers, mealmen, dealers, bakers — much the same logic applied. Their trades were competitive. At the most they could only distort prices from their natural level over short periods, and often to their ultimate discomfiture. When prices began to soar at the end of the century, the remedy was seen not in a return to the regulation of trade, but in more enclosure, tillage of waste lands, improvement.

It should not be necessary to argue that the model of a natural and self-adjusting economy, working providentially for the best good of all, is as much a superstition as the notions which upheld the paternalist model — although, curiously, it is a superstition which some economic historians have been the last to abandon. In some respects Smith's model conformed more closely to eighteenth-century realities than did the paternalist; and in symmetry and scope of intellectual construction it was superior. But one should not overlook the specious air of empirical validation which the model carries. Whereas the first appeals to a moral norm — what *ought* to be men's reciprocal duties — the second appears to say: "this is the way things work, or would work if the State did not interfere". And yet if one considers these sections of *The Wealth of Nations* they impress less as an essay in empirical enquiry than as a superb, self-validating essay in logic.

<sup>1</sup>Smith saw the two as going together: "The laws concerning corn may everywhere be compared to the laws concerning religion. The people feel themselves so much interested in what relates either to their subsistence in this life, or to their happiness in a life to come, that government must yield to their prejudices. . . ."



When we consider the actual organisation of the eighteenth-century corn trade, empirical verification of neither model is to hand. There has been little detailed investigation of marketing;<sup>1</sup> no major study of that key figure, the miller.<sup>2</sup> Even the first letter of Smith's alphabet — the assumption that high prices were an effective form of rationing — remains no more than an assertion. It is notorious that the demand for corn, or bread, is highly inelastic. When bread is costly, the poor (as one highly-placed observer was once reminded) do not go over to cake. In the view of some observers, when prices rose labourers might eat the same quantity of bread, but cut out other items in their budgets; they might even eat *more* bread to compensate for the loss of other items. Out of one shilling, in a normal year, 6d. might go on bread, 6d. on "coarse meat and plenty of garden stuff"; but in a high-price year the whole shilling would go on bread.<sup>3</sup>

In any event, it is well known that the price movements of grain cannot be accounted for by simple supply-and-demand price mechanisms; and the bounty paid to encourage corn exports distorted matters further. Next to air and water, corn was a prime necessity of life, abnormally sensitive to any

<sup>1</sup>See, however, A. Everitt, "The Marketing of Agricultural Produce", in Joan Thirsk (ed.), *The Agrarian History of England and Wales, 1500-1600*, vol. iv (Cambridge, 1967) and D. Baker, "The Marketing of Corn in the first half of the Eighteenth Century: North-east Kent", *Agric. Hist. Rev.*, xviii (1970).

<sup>2</sup>There is some useful information in R. Bennett and J. Elton, *History of Corn Milling*, 4 vols. (Liverpool, 1898).

<sup>3</sup>Emanuel Collins, *Lying Detected* (Bristol, 1758), pp. 66-7. This seems to be confirmed by the budgets of Davies and Eden (see note 2 on p. 193), and of nineteenth-century observers: see *The Unknown Mayhew*, eds. E. P. Thompson and E. Yeo (1971), App. II. E. H. Phelps Brown and S. V. Hopkins, "Seven Centuries of the Prices of Consumables compared with Builders' Wages rates", *Economica*, xxii (1956), pp. 297-8 allow only 20% of the total household budget to farinaceous food, although the budgets of Davies and Eden (taken in high-price years) show an average of 53%. This again suggests that in such years bread consumption remained stable, but other items were cut out altogether. In London there may already have been a greater diversification of diet by the 1790s. P. Colquhoun wrote to Portland, 9 July 1795, that there was abundance of vegetables at Spitalfields market, especially potatoes, "the great substitute for Bread", carrots and turnips: PRO, PC 1/27/A.54.

deficiency in supply. In 1796 Arthur Young calculated that the overall crop deficiency in wheat was less than 25 per cent; but the price advance was 81 per cent: giving (by his calculation) a profit to the agricultural community of £20 millions over a normal year.<sup>1</sup> Traditionalist writers complained that the farmers and dealers acted from the strength of "monopoly"; they were rebutted in pamphlet after pamphlet, as "too absurd to be seriously treated: what! more than two hundred thousand people. . .!".<sup>2</sup> The point at issue, however, was not whether this farmer or that dealer could act as a "monopolist", but whether the producing and trading interests as a whole were able, with a long-continuing train of favourable circumstances, to take advantage of their command of a prime necessity of life and to enhance the price to the consumer, in much the same way as the advanced industrialised nations today have been able to enhance the price of certain manufactured goods to the less advanced nations.

As the century advanced marketing procedures became less transparent, as the corn passed through the hands of a more complex network of intermediaries. Farmers were selling, not in an open competitive market (which, in a local and regional

<sup>1</sup>*Annals of Agriculture*, xxvi (1796), pp. 470, 473. Davenant had estimated in 1699 that a deficiency in the harvest of one-tenth raised the price by three-tenths: Sir C. Whitworth, *The Political and Commercial Works of Charles Davenant* (1771), ii, p. 244. The problem is discussed in W. M. Stern, "The Bread Crisis in Britain, 1795-6", *Economica*, new series, xxxi (1964), and J. D. Gould, "Agricultural Fluctuations and the English Economy in the Eighteenth Century", *Jl. Econ. Hist.*, xxii (1926). Dr Gould puts weight on a point often mentioned in contemporary apologetics for high prices, e.g. *Farmer's Magazine*, ii (1801), p. 81, that the small growers, in a year of scarcity, required their entire crop for seed and for their own consumption: in such factors as this he finds the "chief theoretical explanation of the extreme volatility of grain prices in the early modern period". One would require more investigation of the actual operation of the market before such explanations carry conviction.

<sup>2</sup>Anon. ["A Country Farmer"], *Three Letters to a Member of the House of Commons. . . concerning the Prices of Provisions* (1766), pp. 18-19. For other examples see Lord John Sheffield, *Observations on the Corn Bill* (1791), p. 43; Anon., *Inquiry into the Causes and Remedies of the late and present Scarcity and high Price of Provisions* (1800), p. 33; J. S. Fry, *Letters on the Corn-Trade* (Bristol, 1816), pp. 10-11.



sense, was the aim of the paternalist rather than the *laissez-faire* model) but to dealers or millers who were in a better position to hold stocks and keep the market high. In the last decades of the century, as population rose, so consumption pressed continually upon production, and the producers could more generally command a seller's market. Wartime conditions, while not in fact inhibiting greatly the import of grain during conditions of scarcity, nevertheless accentuated psychological tensions in such years.<sup>1</sup> What mattered in setting the post-harvest price, was the expectation of the harvest yield: and there is evidence in the last decades of the century of the growth of a farming lobby, well aware of the psychological factors involved in post-harvest price levels, assiduously fostering an expectation of shortage.<sup>2</sup> Notoriously, in years of dearth the farmers' faces were wreathed in smiles,<sup>3</sup> while in years of abundant harvest Dame Nature's inconsiderate bounty called forth agricultural cries of "distress". And no matter how bountiful the yield might appear to the eye of the townsman, every harvest was accompanied by talk of mildew, floods, blighted ears which crumbled to powder when threshing commenced.

The free market model supposes a sequence of small to large farmers, bringing their corn to market over the year; but at the end of the century, as high-price year succeeded high-price year, so more small farmers were able to hold back supply until the market rose to their satisfaction. (It was, after all, for them not a matter of routine marketing but of intense, consuming interest: their profit for the year might depend very largely upon the price which three or four corn-stacks might fetch.) If rents had to be paid, the growth in country banking made it easier for the farmer to be

<sup>1</sup>See Olson, *Economics of the Wartime Shortage*, ch. 3; W. F. Galpin, *The Grain Supply of England during the Napoleonic Period* (New York, 1925).

<sup>2</sup>See e.g. Anon. ["A West Country Maltster"], *Considerations on the present High Prices of Provisions, and the Necessities of Life* (1764), p. 10.

<sup>3</sup>"I hope", a Yorkshire landowner wrote in 1708, "the dearth of corn which is likely to continue for several years to come will make husbandry very profitable to us, in breaking up and improving all our new land": cited by Beloff, *op. cit.*, p. 57.

accommodated.<sup>1</sup> The September or October riot was often precipitated by the failure of prices to fall after a seemingly plentiful harvest, and indicated a conscious confrontation between reluctant producer and angry consumer.

These comments are offered, not in refutation of Adam Smith, but simply to indicate places where caution should be exercised until our knowledge is greater. We need only say of the *laissez-faire* model that it is empirically unproven; inherently unlikely; and that there is some evidence on the other side. We have recently been reminded that "merchants made money in the eighteenth century", and that grain merchants may have made it "by operating the market".<sup>2</sup> Such operations are occasionally recorded, although rarely as frankly as was noted by a Whittlesford (Cambridgeshire) farmer and corn merchant in his diary in 1802:

I bought Rey this Time Twelve Month at 50s per Qr. I could have sold it 122s per Qr. The poor had their flower, good rey, for 2s 6d per peck. Parish paid the difference to me, which was 1s 9d per peck. It was a Blessing to the Poor and good to me. I bought 320 Quarters.<sup>3</sup>

The profit on this transaction was above £1,000.

#### IV

If one can reconstruct clear alternative models behind the policies of traditionalists and of political economists, can one construct the same for the moral economy of the crowd? This is less easy. One is confronted by a complex of rational analysis, prejudice, and traditional patterns of response to dearth. Nor is it possible, at any given moment, clearly to identify the groups which endorsed the theories of the crowd. They comprise articulate and inarticulate, and include men of

<sup>1</sup>The point is noted in Anon., *A Letter to the Rt. Hon. William Pitt. . . on the Causes of the High Price of Provisions* (Hereford, 1795), p. 9; Anon. ["A Society of Practical Farmers"], *A Letter to the Rt. Hon. Lord Somerville* (1800), p. 49. Cf. L. S. Pressnell, *Country Banking in the Industrial Revolution* (Oxford, 1956), pp. 346-8.

<sup>2</sup>C. W. J. Grainger and C. M. Elliott, "A Fresh Look at Wheat Prices and Markets in the Eighteenth Century", *Econ. Hist. Rev.*, 2nd series, xx, (1967), p. 252.

<sup>3</sup>E. M. Hampson, *The Treatment of Poverty in Cambridgeshire, 1597-1834* (Cambridge, 1934), p. 211.



education and address. After 1750 each year of scarcity was accompanied by a spate of pamphlets and letters to the press, of unequal value. It was a common complaint of the protagonists of free trade in corn that misguided gentry added fuel to the flames of mob discontent.

There is truth in this. The crowd derived its sense of legitimation, in fact, from the paternalist model. Many gentlemen still resented the middleman as an interloper. Where lords of the manor retained market rights they resented the loss (through sample-sales etc.) of their market tolls. If they were landlord-farmers, who witnessed meat or flour being marketed at prices disproportionately high in relation to their own receipts from the dealers, they resented the profits of these common tradesmen the more. The essayist of 1718 has a title which is a précis of his matter: *An Essay to prove that Regrators, Engrossers, Forestallers, Hawkers and Jobbers of Corn, Cattle, and other Marketable Goods. . . are Destructive of Trade, Oppressors to the Poor, and a Common Nuisance to the Kingdom in General*. All dealers (unless simple drovers or carters, moving provisions from one point to the next) appeared to this not unobservant writer as a "vile and pernicious set of men"; and, in the classic terms of reproval adopted by men of settled estate to the bourgeois,

they are a vagabond sort of people. . . They carry their all about them, and their. . . stock is no more than a plain riding habit, a good horse, a list of the fairs and markets, and a prodigious quantity of impudence. They have the mark of Cain, and like him wander from place to place, driving an interloping trade between the fair dealer and the honest consumer.<sup>1</sup>

<sup>1</sup>Adam Smith noted nearly sixty years later that the "popular odium. . . which attends the corn trade in years of scarcity, the only years in which it can be very profitable, renders people of character and fortune averse to enter into it. It is abandoned to an inferior set of dealers". Twenty-five years later again Earl Fitzwilliam was writing: "Dealers in corn are withdrawing from the trade, afraid to traffic in an article trafficking in which had render'd them liable to so much obloquy & calumny, and to be run at by an ignorant populace, without confidence in protection from those who ought to be more enlighten'd": Fitzwilliam to Portland, 3 Sept. 1800, PRO, HO 42/51. But an examination of the fortunes of such families as the Howards, Frys and Gurneys might call in question such literary evidence.

This hostility to the dealer existed even among many country magistrates, some of whom were noted to be inactive when popular disturbances swept through the areas under their jurisdiction. They were not displeased by attacks on dissenting or Quaker corn factors. A Bristol pamphleteer, who is clearly a corn factor, complained bitterly in 1758 to the JPs of "your law-giving mob", which prevented, in the previous year, the export of corn from the Severn and Wye valleys, and of "many fruitless applications to several Justices of the Peace".<sup>1</sup> Indeed, the conviction grows that a popular hubbub against forestallers was not unwelcome to some in authority. It distracted attention from the farmers and rentiers; while vague Quarter Sessional threats against forestallers gave to the poor a notion that the authorities were attending to their interests. The old laws against forestallers, a dealer complained in 1766,

are printed in every newspaper, and stuck up in every corner, by order of the justices, to intimidate the engrossers, against whom many murmurings are propagated. The common people are taught to entertain a very high opinion and reverence for these laws. . .

Indeed, he accused the justices of encouraging "the extraordinary pretence, that the power and spirit of the mob is necessary to enforce the laws".<sup>2</sup> But if the laws were actually set in motion, they were directed almost without exception against petty culprits — local wide-boys or market-men, who pocketed small profits on trivial transactions — while the large dealers and millers were unaffected.<sup>3</sup>

<sup>1</sup>Collins, *op. cit.*, pp. 67-74. In 1756 several Quaker meeting-houses were attacked during food riots in the Midlands: *Gentleman's Magazine*, xvi (1756), p. 408.

<sup>2</sup>Anon., *Reflections on the present High Price of Provisions, and the Complaints and Disturbances arising therefrom* (1766), pp. 26-7, 31.

<sup>3</sup>Contrary to the common assumption, the forestalling legislation had not fallen into desuetude in the first half of the eighteenth century. Prosecutions were infrequent, but sufficiently evident to suggest that they had some effect upon regulating petty dealing in the open market. At Manchester (see note 1 on p. 195) fines for forestalling or regrating took place sometimes annually, sometimes every two or three years, from 1731 to 1759 (seven fines). Commodities involved included butter, cheese, milk, oysters, fish, meat, carrots, pease, potatoes, turnips, cucumbers, apples, beans, gooseberries, currants, cherries, pigeons, fowls, but very rarely oats and wheat. Fines are less frequent after 1760 but include 1766 (wheat and



Thus, to take a late example, an old-fashioned and crusty Middlesex JP, J. S. Girdler, instituted a general campaign of prosecutions against such offenders in 1796 and 1800, with handbills offering rewards for information, letters to the press, etc. Convictions were upheld at several Quarter Sessions, but the amount gained by the speculators amounted only to ten or fifteen shillings. We can guess at the kind of offender whom his prosecutions touched by the literary style of an anonymous letter which he received:

We no you are an enemy to Farmers, Mealmen and Bakers and our Trade if it had not bene for me and another you you son of a bitch you wold have bene murdurd long ago by offering your blasted rewards and persecuting Our Trade God dam you and blast you you shall never live to see another harvest. . .<sup>1</sup>

butter), 1780 (oats and eels), 1785 (meat), and 1796, 1797 and 1799 (all potatoes). Symbolically, the Court Leet officers to prevent forestalling jumped from 3 to 4 appointed annually (1730-1795) to 7 in 1795, 15 in 1796, 16 in 1797. In addition offenders were prosecuted on occasion (as in 1757) at Quarter Sessions. See Earwaker, *Court Leet Records* (cited p. 195), vii, viii and ix and *Constables' Accounts* (p. 212), ii, p. 94. For other examples of offences, see Essex Quarter Sessions, indictments, 2 Sept. 1709, 9 July 1711 (engrossing oats), and also 1711 for cases involving forestallers of fish, wheat, rye, butter, and, again, 13 Jan. 1729/30: Essex CRO, Calendar and Indictments, Q/SR 541, Q/SR 548, Q/SPb b 3; Constables' presentments for forestalling hogs, Oct. 1735 and Oct. 1746; Bury St. Edmunds and West Suffolk CRO, DB/1/8 (5); ditto for forestalling of butter, Nottingham, 6 Jan. 1745/5, *Records of the Borough of Nottingham* (Nottingham, 1914), vi, p. 209; conviction for forestalling of fowls (fine 13s. 4d.) at Atherstone Court Leet and Court Baron, 18 Oct. 1748: Warwick. CRO, L2/2423; cautions against the forestalling of butter etc., Woodbridge market, 30 Aug. 1756: Ipswich and East Suffolk CRO, V 5/9/6-3. In most Quarter-Sessional or market records the odd prosecution is to be found, before 1757. The author of *Reflections* (cited p. 209) writing in 1766, says these "almost-forgotten and disregarded statutes" were employed for the prosecution of "some submissive hucksters and indigent or terrified jobbers", and implies that the "principal factors" have despised "these menaces", believing them to be bad law (p. 37). For 1795 and 1800 see note 2, p. 200: the most important cases of the prosecution of large dealers were those of Rushby, for regrating oats (1799): see Barnes, *op. cit.*, pp. 81-3; and of Waddington, convicted for forestalling hops at Worcester Assizes: see *Times*, 4 Aug. 1800 and (for conviction upheld on appeal) I East 143 in *ER*, cii, pp. 56-68.

<sup>1</sup> Girdler, *op. cit.*, pp. 295-6.

Compassionate traditionalists like Girdler were joined by townsmen of various ranks. Most Londoners suspected everyone who had any part in handling grain, flour or bread of every kind of extortion. The urban lobby was, of course, especially powerful in the middle years of the century, pressing for an end to the export bounty, or for the prohibition of all exports in time of dearth. But London and the larger towns harboured inexhaustible reserves of resentment, and some of the wildest accusations came from this milieu. A certain Dr Manning, in the 1750s, published allegations that bread was adulterated not only with alum, chalk, whiting and beanmeal, but also with slaked lime and white lead. Most sensational was his claim that millers turned into their flour "sacks of old ground bones": "the charnel houses of the dead are raked, to add filthiness to the food of the living", or, as another pamphleteer commented, "the present age [is] making hearty meals on the bones of the last".

Manning's accusations went far beyond the bounds of credibility. (A critic computed that if lime was being used on the scale of his allegations, more would be consumed in the London baking than building industry.)<sup>1</sup> Apart from alum, which was widely used to whiten bread, the commonest form of adulteration was probably the admixture of old, spoiled flour with new flour.<sup>2</sup> But the urban population was quick to believe that far more noxious adulterations were practised, and such belief contributed to the "Shude-hill Fight" at Manchester in 1757, where one of the mills attacked was believed to mix "Accorns, Beans, Bones, Whiting, Chopt Straw, and even dried Horse Dung" with its flour, while at another mill the presence of suspicious adulterants near the hoppers (discovered by the crowd) led to the burning of bolters and sieves, and the destruction of

<sup>1</sup> Collins, *op. cit.*, pp. 16-37. P. Markham, *Syhoroc* (1758), i, pp. 11-31; *Poison Detected: or Frightful Truths. . . in a Treatise on Bread* (1757), esp. pp. 16-38.

<sup>2</sup> See e.g. John Smith, *An Impartial Relation of Facts Concerning the Malepractices of Bakers* (n.d. [1740?]).



mill-stones and wheels.<sup>1</sup>

There were other, equally sensitive, areas where the complaints of the crowd were fed by the complaints of traditionalists or by those of urban professional people. Indeed, one may suggest that if the rioting or price-setting crowd acted according to any consistent theoretical model, then this model was a selective reconstruction of the paternalist one, taking from it all those features which most favoured the poor and which offered a prospect of cheap corn. It was, however, less generalised than the outlook of the paternalists. The records of the poor show more particularity: it is this miller, this dealer, those farmers hoarding grain, who provoke indignation and action. This particularity was, however, informed by general notions of rights which disclose themselves most clearly only when one examines the crowd in action. For in one respect the moral economy of the crowd broke decisively with that of the paternalists: for the popular ethic sanctioned direct action by the crowd, whereas the values of order underpinning the paternalist model emphatically did not.

The economy of the poor was still local and regional, derivative from a subsistence-economy. Corn should be consumed in the region in which it was grown, especially in times of scarcity. Profound feeling was aroused, and over several centuries, by export in times of dearth. Of an export riot in Suffolk in 1631 a magistrate wrote: "to see their bread thus taken from them and sent to strangers has turned the impatience of the poor into licentious fury and desperation".<sup>2</sup> In a graphic account of a riot in the same county seventy-eight years later (1709), a dealer described how "the Mobb rose, he thinks several hundreds, and said that the corn should not be carryed out of town": "of the Mobb some had halberds, some quarter staffs, and some clubbs. . .". When travelling to Norwich, at several places on the way:

<sup>1</sup> See J. P. Earwaker, *The Constables' Accounts of the Manor of Manchester* (Manchester, 1891), iii, pp. 359-61; F. Nicholson and E. Axon, "The Hatfield Family of Manchester, and the Food Riots of 1757 and 1812", *Trans. Lancs. and Chesh. Antiq. Soc.*, xxviii (1910/11), pp. 83-90.

<sup>2</sup> *Calendar State Papers, Domestic*, 1631, p. 545.

the Mobb hearing that he was to goe through with corn, told him that it should not go through the Towne, for that he was a Rogue, and Corn-Jobber, and some cry'd out Stone him, some Pull him off his horse, some Knock him down, and be sure you strike sure; that he. . . questioned them what made them rise in such an inhuman manner to the prejudice of themselves and the countrey, but that they still cryed out that he was a Rogue & was going to carry the corn into France. . .<sup>1</sup>

Except in Westminster, in the mountains, or in the great sheep-grazing districts, men were never far from the sight of corn. Manufacturing industry was dispersed in the countryside: the colliers went to their labour by the side of corn-fields; domestic workers left their looms and workshops for the harvest. Sensitivity was not confined to overseas export. Marginal exporting areas were especially sensitive, where little corn was exported in normal years, but where, in times of scarcity, dealers could hope for a windfall price in London, thereby aggravating local dearth.<sup>2</sup> The colliers — Kingswood, the Forest of Dean, Shropshire, the North-East — were especially prone to action at such times. Notoriously the Cornish tinnners had an irascible consumer-consciousness, and a readiness to turn out in force. "We had the devil and all of a riot at Padstow", wrote a Bodmin gentleman in 1773, with scarcely-concealed admiration:

Some of the people have run to too great lengths in exporting of corn. . . Seven or eight hundred tinnners went thither, who first offered the corn-factors seventeen shillings for 24 gallons of wheat; but being told they should have none, they immediately broke open the cellar doors, and took away all in the place without money or price.<sup>3</sup>

The worst resentment was provoked in the middle years of the century, by foreign exports upon which bounty was paid. The foreigner was seen as receiving corn at prices sometimes below those of the English market, with the aid of a bounty paid out of English taxes. Hence the extreme bitterness sometimes visited upon the exporter, who was seen as a man seeking private, and dishonourable, gain at the expense of his own people. A North Yorkshire factor, who was given a

<sup>1</sup> PRO, PC 1/2/165.

<sup>2</sup> See D. G. D. Isaac, "A Study of Popular Disturbance in Britain, 1714-54" (Edinburgh Univ. Ph.D. thesis, 1953), ch. 1.

<sup>3</sup> *Calendar of Home Office Papers*, 1773, p. 30.



ducking in the river in 1740, was told that he was "no better than a rebel".<sup>1</sup> In 1783 a notice was affixed to the market-cross in Carlisle, commencing:

Peter Clemeseson & Moses Luthart this is to give you Warning that you must Quit your unlawfull Dealing or Die and be Damed your buying the Corn to starve the Poor Inhabitants of the City and Soborbs of Carlisle to send to France and get the Bounty Given by the Law for taking the Corn out of the Country but by the Lord God Almighty we will give you Bounty at the Expençe of your Lives you Damed Roagues. . .

"And if Eany Publick House in Carlisle [the notice continued] Lets you or Luthart put up. . . Corn at their Houses they shall suffer for it."<sup>2</sup> This feeling revived in the last years of the century, notably in 1795, when rumours flew around the country as to secret exports to France. Moreover, 1795 and 1800 saw the efflorescence of a regional consciousness once more, as vivid as that of one hundred years before. Roads were blockaded to prevent export from the parish. Wagons were intercepted and unloaded in the towns through which they passed. The movement of grain by night-convoy assumed the proportions of a military operation:

Deep groan the waggons with their pond'rous loads,  
As their dark course they bend along the roads;  
Wheel following wheel, in dread procession slow,  
With half a harvest, to their points they go. . .  
The secret expedition, like the night  
That covers its intents, still shuns the light. . .  
While the poor ploughman, when he leaves his bed,  
Sees the huge barn as empty as his shed.<sup>3</sup>

Threats were made to destroy the canals.<sup>4</sup> Ships were stormed at the ports. The miners at Nook Colliery near Haverfordwest threatened to close the estuary at a narrow point. Even lighters on the Severn and Wye were not

<sup>1</sup>PRO, SP 36/50.

<sup>2</sup>*London Gazette*, March 1783, no. 12422.

<sup>3</sup>S. J. Pratt, *Sympathy and Other Poems* (1807), pp. 222-3.

<sup>4</sup>Some years before Wedgwood had heard it "threatened. . . to destroy our canals and let out the water", because provisions were passing through Staffordshire to Manchester from East Anglia: J. Wedgwood, *Address to the Young Inhabitants of the Pottery* (Newcastle, 1783).

immune from attack.<sup>1</sup>

Indignation might also be inflamed against a dealer whose commitment to an outside market disrupted the customary supplies of the local community. A substantial farmer and publican near Tiverton complained to the War Office in 1795 of riotous assemblies "threatening to pull down or fire his house because he takes in Butter of the neighbouring Farmers & Dairymen, to forward it by the common road waggon, that passes by his door to. . . London".<sup>2</sup> In Chudleigh (Devon) in the same year the crowd destroyed the machinery of a miller who had ceased to supply the local community with flour since he was under contract to the Victualling Department of the Navy for ship's biscuits: this had given rise (he says in a revealing phrase) "to an Idea that ive done much infimy to the Community".<sup>3</sup> Thirty years before a group of London merchants had found it necessary to seek the protection of the military for their cheese-warehouses along the river Trent:

The warehouses. . . in danger from the riotous colliers are not the property of any monopolizers, but of a numerous body of cheese-mongers, and absolutely necessary for the reception of their cheese, for the conveyance to Hull, there to be ship'd for London.<sup>4</sup>

These grievances are related to the complaint, already noted, of the withdrawal of goods from the open market. As the dealers moved further from London and attended more frequently at provincial markets, so they were able to offer prices and buy in quantities which made the farmers impatient to serve the small orders of the poor. "Now it is out of the course of business", wrote Davies in 1795, "for the farmer to retail corn by the bushel to this or that poor man; except in some particular places, as a matter of favour, to his own labourers". And where the poor shifted their demand from grain to flour, the story was much the same:

<sup>1</sup>PRO, PC 1/27/A.54; A.55-7; HO 42/34; 42/35; 42/36; 42/37; see also Stern, *op. cit.*, and E. P. Thompson, *The Making of the English Working Class* (Penguin, 1968), pp. 70-3.

<sup>2</sup>PRO, WO 1/1082, John Ashley, 24 June 1795.

<sup>3</sup>PRO, HO 42/34.

<sup>4</sup>PRO, WO 1/986 fo. 69.



Neither the miller nor the mealman will sell the labourer a less quantity than a *sack* of flour under the retail price at shops; and the poor man's pocket will seldom allow of his buying a whole sack at once.<sup>1</sup>

Hence the labourer was driven to the petty retail shop, at which prices were enhanced.<sup>2</sup> The old markets declined, or, where they were kept up, they changed their functions. If a customer attempted to buy a single cheese or half fitch of bacon, Girdler wrote in 1800, "he is sure to be answered by an insult, and he is told that the whole lot has been bought up by some London contractor".<sup>3</sup>

We may take as expressive of these grievances, which sometimes occasioned riot, an anonymous letter dropped in 1795 by the door of the mayor of Salisbury:

Gentlemen of the Corporation I pray you put a stop to that practice which is made use of in our Markits by Rook and other carriers in your giving them the Liberty to Scower the Market of every thing so as the Inhabitation cannot buy a singel Artickel without going to the Dealers for it and Pay what Extortionat price they think proper and even Domineer over the Peopel as thow they was not Whorthy to Look on them. But their time will soon be at an End as soon as the Solders ear gon out of town.

The corporation is asked to order carriers out of the market until the townspeople have been served, "and stop all the Butchers from sending the meat away by a Carces at a time But make them cut it up in the Markit and sarve the Town first". The letter informs the mayor that upwards of three hundred citizens have "posetively swor to be trow to each other for the Distruction of the Carriers".<sup>4</sup>

Where the working people could buy cereals in small parcels intense feeling could arise over weights and measures. We are exhorted in Luke: "Give, and it shall be given unto you, good measure pressed down, and shaken together, and running over, shall men give unto your bosom." This was

<sup>1</sup>Davies, *op. cit.*, pp. 33-4.

<sup>2</sup>"The first principle laid down by a baker, when he comes into a parish, is, to get all the poor in his debt; he then makes their bread of what weight or goodness he pleases. . .": *Gentleman's Magazine*, xxvi (1756), p. 557.

<sup>3</sup>Girdler, *op. cit.*, p. 147.

<sup>4</sup>PRO, HO 42/34.

not, alas, the practice of all farmers and dealers in protestant England. An enactment of Charles II had even given the poor the right to *shake* the measure, so valuable was the poor man's corn that a looseness in the measure might make the difference to him of a day without a loaf. The same Act had attempted, with total lack of success, to enforce the Winchester measure as the national standard. A great variety of measures, varying even within county boundaries from one market-town to the next, gave abundant opportunities for petty profiteering. The old measures were generally larger — sometimes very much larger — than the Winchester; sometimes they were favoured by farmers or dealers, more often they were favoured by the customers. One observer remarked that "the lower orders of people detest it [the Winchester measure], from the smallness of its contents, and the dealers. . . instigate them to this, it being their interest to retain every uncertainty in weights and measures".<sup>1</sup>

Attempts to change the measure often encountered resistance, occasionally riot. A letter from a Clee Hill (Shropshire) miner to a "Brother Sufferer" declared:

The Parliamant for our relief to help to Clem [starve] us Thay are going to lesson our Measure and Wait [weight] to the Lower Standard. We are about Ten Thousand sworn and ready at any time And we wou'd have you get Arms and Cutlasses and swear one another to be true. . . We have but one Life to Loose and we will not clem. . .<sup>2</sup>

Letters to farmers in Northiam (Sussex) warned:

Gentlemen all ie hope you whill take this as a wharning to you all for you to put the little Bushels bie and take the oald measher [measure] again for if you dont there whill be a large company that shall borne [burn] the little measher when you are all abade and asleep and your cornehouses and cornstacks and you along with them. . .<sup>3</sup>

<sup>1</sup>*Annals of Agriculture*, xxvi (1796), p. 327; *Museum Rusticum et Commerciale*, iv (1765), p. 198. The difference in bushels could be very considerable: as against the Winchester bushel of 8 gallons, the Stamford had 16 gallons, the Carlisle 24, and the Chester 32: see J. Houghton, *A Collection for Improvement of Husbandry and Trade* (1727), no. xlvi, 23 June 1693.

<sup>2</sup>*London Gazette*, March 1767, no. 10710.

<sup>3</sup>November 1793, in PRO, HO 42/27. The measures concerned were for malt.



A Hampshire contributor to the *Annals of Agriculture* explained in 1795 that the poor "have erroneously conceived an idea that the price of grain is increased by the late alteration from a nine-gallon bushel to the Winchester, from its happening to take place at a moment of a rising market, by which, the same money was paid for eight as used to be paid for nine gallons". "I confess", he continues,

I have a decided predilection for the nine-gallon measure, for the reason that it is the measure which nearest yields a bushel of flour; whence, the poor man is enabled to judge of what he ought to pay for a bushel of flour, which, in the present measure, requires more arithmetic than comes to his share to ascertain.<sup>1</sup>

Even so, the arithmetical notions of the poor may not have been so erroneous. Changes in measures, like changes to decimal currency, tend by some magic to disadvantage the consumer.

If less corn was being bought (at the end of the century) in the open market by the poor, this also indicated the rise to greater importance of the miller. The miller occupies a place in popular folklore, over many centuries, which is both enviable and unenviable. On one hand he was noted as a fabulously successful lecher, whose prowess is still perhaps perpetuated in a vernacular meaning of the word "grinding". Perhaps the convenience of the village mill, tucked around a secluded corner of the stream, to which the village wives and maidens brought their corn for grinding; perhaps also his command over the means of life; perhaps his status in the village, which made him an eligible match — all may have contributed to the legend:

A brisk young lass so brisk and gay  
She went unto the mill one day. . .  
There's a peck of corn all for to grind  
I can but stay a little time.

Come sit you down my sweet pretty dear  
I cannot grind your corn I fear  
My stones is high and my water low  
I cannot grind for the mill won't go.

<sup>1</sup> *Annals of Agriculture*, xxiv (1795), pp. 51-2.

Then she sat down all on a sack  
They talked of this and they talked of that  
They talked of love, of love proved kind  
She soon found out the mill would grind. . .<sup>1</sup>

On the other hand, the miller's reputation was less enviable. "Loving!", exclaims Nellie Dean in *Wuthering Heights*: "Loving! Did anybody ever hear the like? I might as well talk of loving the miller who comes once a year to buy our corn". If we are to believe all that was written about him in these years, the miller's story had changed little since Chaucer's *Reeve's Tale*. But where the small country miller was accused of quaintly medieval customs — over-size toll dishes, flour concealed in the casing of the stones, etc. — his larger counterpart was accused of adding new, and greatly more enterprising, speculations:

For ther-biforn he stal but curteisly,  
But now he was a thief outrageously.

At one extreme we still have the little country mill, exacting toll according to its own custom. The toll might be taken in flour (always from "the best of the meal and from the finer flour that is in the centre of the hopper"); and since the proportion remained the same with whatever fluctuation in price, it was to the miller's advantage if prices were high. Around the small toll-mills (even where toll had been commuted for money payments) grievances multiplied, and there were fitful attempts at their regulation.<sup>2</sup> Since the millers entered increasingly into dealing, and into grinding corn on their own account for the bakers, they had little time for the petty customers (with a sack or two of gleaned corn);

<sup>1</sup> James Reeves, *The Idiom of the People* (1958), p. 156. See also Brit. Lib. Place MSS, Add MSS 27825 for "A pretty maid she to the miller would go", verse 2:

Then the miller he laid her against the mill hopper  
Merry a soul so wantonly  
He pulled up her cloaths, and he put in the stopper  
For says she I'll have my corn ground small and free.

<sup>2</sup> See Markham, *Syhoroc*, ii, p. 15; Bennett and Elton, *op. cit.*, iii, pp. 150-65; information of John Spyry against the Miller of Millbrig Mill, 1740, for taking sometimes 1/6th, sometimes 1/7th, and sometimes 1/8th part as mulcture: West Riding Sessions papers, County Hall, Wakefield.



hence endless delay; hence also, when the flour was returned it might be the product of other, inferior, grain. (It was complained that some millers purchased at half-price damaged corn which they then mixed with the corn of their customers.<sup>1</sup>) As the century wore on, the translation of many mills to industrial purposes gave to the surviving petty corn-mills a more advantageous position. In 1796 these grievances were sufficiently felt to enable Sir Francis Bassett to carry the Miller's Toll Bill, intended to regulate their practices, weights and measures, more strictly.<sup>2</sup>

But these petty millers were, of course, the small fry of the eighteenth century. The great millers of the Thames Valley and of the large towns were a different order of entrepreneurs, who traded extensively in flour and malt. Millers were quite outside the Assize of Bread, and they could immediately pass on any increase in the price of corn to the consumer. England also had its unsung *banalités* in the eighteenth century, including those extraordinary survivals, the soke mills, which exercised an absolute monopoly of the grinding of grain (and the sale of flour) in substantial manufacturing centres, among them Manchester, Bradford, Leeds.<sup>3</sup> In most cases the feoffees who owned the soke rights sold or leased these to private speculators. Most stormy was the history of the School Mills at Manchester, whose soke rights were intended as a charitable endowment to support the grammar school. Two unpopular lessees of the rights inspired, in 1737, Dr Byrom's rhyme:

*Bone and Skin*, two millers thin,  
Would starve the town, or near it;  
But be it known, to *Skin and Bone*,  
That *Flesh and Blood* can't bear it.

When, in 1757, new lessees sought to prohibit the importation of flour to the growing town, while at the same time managing their mills (it was alleged) with extortion and delay,

<sup>1</sup> See Girdler, *op. cit.*, pp. 102-6, 212.

<sup>2</sup> *Annals of Agriculture*, xxiii (1795), pp. 179-91; Bennett and Elton, *op. cit.*, iii, p. 166; 36: Geo III, c.85.

<sup>3</sup> See Bennett and Elton, *op. cit.*, iii, pp. 204 ff; W. Cudworth, "The Bradford Soke", *The Bradford Antiquary* (Bradford, 1888), i, pp. 74ff.

flesh and blood could indeed bear it no longer. In the famous "Shude-hill Fight" of that year at least four men were killed by musketry, but the soke rights were finally broken.<sup>1</sup> But even where no actual soke right obtained, one mill might command a populous community, and could provoke the people to fury by a sudden advance in the price of flour or an evident deterioration in its quality. Mills were the visible, tangible targets of some of the most serious urban riots of the century. The Albion Mills at Blackfriars Bridge (London's first steam mills) were governed by a quasi-philanthropic syndicate; yet when they burned down in 1791 Londoners danced and sang ballads of rejoicing in the streets.<sup>2</sup> The first steam mill at Birmingham (Snow Hill) fared little better, being the target of a massive attack in 1795.

It may appear at first sight as curious that both dealers and millers should continue to be among the objectives of riot at the end of the century, by which time in many parts of the Midlands and South (and certainly in urban areas) working people had become accustomed to buying bread at the baker's shops rather than grain or flour in the market-place. We do not know enough to chart the change-over with accuracy, and certainly much home-baking survived.<sup>3</sup> But even where the change-over was complete, one should not underestimate the sophistication of the situation and of the crowd's objectives. There were, of course, scores of petty riots outside bread shops, and the crowd very often "set the price" of bread. But the baker (whose trade in times of high prices can sacrcely have been an enviable one) was, alone of all those who dealt in the people's necessities (landlord,

<sup>1</sup> See note 1, p. 212 and Bennett and Elton, *op. cit.*, pp. 274ff.

<sup>2</sup> *Ibid.*, iii, pp. 204-6.

<sup>3</sup> Replies from towns to Privy Council enquiry, 1796, in PRO, PC 1/33/A.88: e.g. mayor of York, 16 April 1796, "the poor can get their bread baked at common ovens. . ."; mayor of Lancaster, 10 April, "each family buys their own flour and makes their own bread"; mayor of Leeds, 4 April, it is the custom "to buy corn or meal, and to mix up their own bread, and to bake it themselves or get it baked for hire". A survey of bakers in the hundred of Corby (Northamptonshire) in 1757 shows that out of 31 parishes, one parish (Wilbarston) had four bakers, one had three, three had two, eight had one, and fourteen had no resident baker (four gave no return): Northants. CRO, H (K) 170.



farmer, factor, carrier, miller), in daily contact with the consumer; and he was, more than any of the others, protected by the visible paraphernalia of paternalism. The Assize of Bread clearly and publicly limited their lawful profits (thereby also tending to leave the baking trade in the hands of numerous small traders with little capital), and thus protected them, to some degree, from popular wrath. Even Charles Smith, the able exponent of free trade, thought the continuation of the Assize to be expedient: "in large Towns and Cities it will always be necessary to set the Assize, in order to satisfy the people that the price which the Bakers demand is no more than that what is thought reasonable by the Magistrates".<sup>1</sup>

The psychological effect of the Assize was, therefore, considerable. The baker could hope to enhance his profit beyond the allowance calculated in the Assize only by small stratagems, some of which — short-weight bread, adulteration, the mixing in of cheap and spoiled flour — were subject either to legal redress or to instant crowd retaliation. Indeed, the baker had sometimes to attend to his own public relations, even to the extent of enlisting the crowd on his side: when Hannah Pain of Kettering complained to the justices of short-weight bread, the baker "raised a mob upon her. . . and said she deserved to be whipped, there were enough of such scambling scum of the earth".<sup>2</sup> Many corporations throughout the century, made a great show of supervising weights and measures, and of punishing offenders.<sup>3</sup> Ben Jonson's "Justice Overdo" was still busy in the streets of Reading, Coventry, or London:

<sup>1</sup>Smith, *Three Tracts on the Corn-Trade*, p. 30.

<sup>2</sup>Examination of Hannah Pain, 12 Aug. 1757, Northants. CRO, H (K) 167 (I).

<sup>3</sup>It is notable that punishments for these offences were most frequent in years of dearth, and doubtless these were intended to have symbolic force: thus 6 presentments for false or short weight at Bury St. Edmunds sessions, May 1740: Bury St. Edmunds and West Suffolk CRO, D8/1/8(5); 6 fined for deficient weight in Maidenhead, October 1766: Berks. CRO, M/JM1. At Reading, however, surveillance appears to be fairly constant, in good years as well as bad: Central Public Library, Reading, R/MJ Acc. 167, Court Leet and View of Frankpledge. At Manchester the market officials were vigilant until the 1750s, more casual thereafter, but very active in April 1796: Earwaker, *Court Leet Records*, ix, pp. 113-4.

Marry, go you into every alehouse, and down into every cellar; measure the length of puddings. . . weigh the loaves of bread on his middle finger. . . give the puddings to the poor, the bread to the hungry, the custards to his children.

In this tradition we find a London magistrate in 1795 who, coming on the scene of a riot in Seven Dials where the crowd was already in the act of demolishing the shop of a baker accused of selling light-weight bread, intervened, seized the baker's stock, weighed the loaves, and finding them indeed deficient, distributed the loaves among the crowd.<sup>1</sup>

No doubt the bakers, who knew their customers, sometimes complained of their powerlessness to reduce prices, and diverted the crowd to the mill or the corn-market. "After ransacking many bakers' shops", the miller of Snow Hill, Birmingham, related of the 1795 attack, "they came in great numbers against us. . .".<sup>2</sup> But in many cases the crowd clearly selected its own targets, deliberately by-passing the bakers. Thus in 1740 at Norwich the people "went to every Baker in the City, and affix'd a Note on his Door in these words, Wheat at *Sixteen Shillings a Comb*". In the same year at Wisbech they obliged "the Merchants to sell Wheat at 4d per Bushel. . . not only to them, but also to the Bakers, where they regulated the Weight & Price of Bread".<sup>3</sup>

But it is clear at this point that we are dealing with a far more complex pattern of action than one which can be satisfactorily explained by a face-to-face encounter between the populace and particular millers, dealers or bakers. It is necessary to take a larger view of the actions of the crowd.

<sup>1</sup>*Gentleman's Magazine*, lxx (1795), p. 697.

<sup>2</sup>MS notebook of Edward Pickering, Birmingham City Ref. Lib. M 22.11.

<sup>3</sup>*Ipswich Journal*, 12 and 26 July 1740. (I am indebted to Dr R. M. Malcolmson of Queen's University, Ontario, for these references.) The crowd by no means mistook the bakers for their main opponents, and forms of pressure were often of considerable complexity; thus "incendiary" papers set up around Tenterden (1768) incited people to rise and force the farmers to sell their wheat to the millers or the poor at £10 a load, and threatened to destroy the millers who gave to the farmers a higher price: Shelburne, 25 May 1768, PRO, SP 44/199.



## V

It has been suggested that the term "riot" is a blunt tool of analysis for so many particular grievances and occasions. It is also an imprecise term for describing popular actions. If we are looking for the characteristic form of direct action, we should take, not squabbles outside London bakeries, nor even the great affrays provoked by discontent with the large millers, but the "risings of the people" (most notably in 1740, 1756, 1766, 1795 and 1800) in which colliers, tanners, weavers and hosiery workers were prominent. What is remarkable about these "insurrections" is, first, their discipline, and, second, the fact that they exhibit a pattern of behaviour for whose origin we must look back several hundreds of years: which becomes more, rather than less, sophisticated in the eighteenth century; which repeats itself, seemingly spontaneously, in different parts of the country and after the passage of many quiet years. The central action in this pattern is not the sack of granaries and the pilfering of grain or flour but the action of "setting the price".

What is extraordinary about this pattern is that it reproduces, sometimes with great precision, the emergency measures in time of scarcity whose operation, in the years between 1580 and 1630, were codified in the *Book of Orders*. These emergency measures were employed in times of scarcity in the last years of Elizabeth, and put into effect, in a somewhat revised form, in the reign of Charles I, in 1630. In Elizabeth's reign the magistrates were required to attend the local markets,

and where you shall fynde that there is insufficente quantities broughte to fill and serve the said marketts and speciallie the poorer sorte, you shall thereupon resorte to the houses of the Farmers and others using tyllage. . . and viewe what store and provision of graine theye have remayninge either thrashed or unthrashed. . .

They might then order the farmers to send "convenient quantities" to market to be sold "and that at reasonable price". The justices were further empowered to "sett downe a certen price upon the bushell of everye kynde of graine".<sup>1</sup>

<sup>1</sup>"A Coppie of the Councells herfel for graine delyv<sup>d</sup> at Bodmyn the xith of May 1586": Bodleian Library, Rawlinson MSS B 285, fos. 66-7.

The queen and her Council opined that high prices were in part due to engrossers, in part to the "greedie desier" of corn-growers who "bee not content w<sup>h</sup> anie moderate gayne, but seeke & devise waies to kepe up the prices to the manifest oppression of the poorer sort". The Orders were to be enforced "w<sup>h</sup>out all parciality in sparing anie man".<sup>1</sup>

In essence, then, the *Book of Orders* empowered magistrates (with the aid of local juries) to survey the corn stocks in barns and granaries;<sup>2</sup> to order quantities to be sent to market; and to enforce with severity every part of the marketing, licensing and forestalling legislation. No corn was to be sold except in open market, "unlesse the same be to some pore handicrafts Men, or Day-Labourers within the parish wherein you doe dwell, that cannot conveniently come to the Market Townes". The Orders of 1630 did not explicitly empower justices to set the price, but ordered them to attend the market and ensure that the poor were "provided of necessary Corne. . . with as much favour in the Prices, as by the earnest Perswasion of the Justices can be obtained". The power to set a price upon grain or flour rested, in emergency, half-way between enforcement and persuasion.<sup>3</sup>

<sup>1</sup>There is some account of the operation of the *Book of Orders* in E. M. Leonard, *Early History of English Poor Relief* (Cambridge, 1900); Gras, *op. cit.*, pp. 236-42; Lipson, *op. cit.*, iii, pp. 440-50; B. E. Supple, *Commercial Crisis and Change in England, 1600-42* (Cambridge, 1964), p. 117. Papers illustrative of their operation are in *Official Papers of Nathaniel Bacon of Stiffkey, Norfolk* (Camden Society, 3rd series, xxvi, 1915), pp. 130-57.

<sup>2</sup>For an example, see *Victoria County History, Oxfordshire*, ed. W. Page (1907), ii, pp. 193-4.

<sup>3</sup>By an Act of 1534 (25 Henry VIII, c. 2) the Privy Council had the power to set prices on corn in emergency. In a somewhat misleading note, Gras (*op. cit.*, pp. 132-3) opines that after 1550 the power was never used. It was in any case not forgotten: a proclamation of 1603 appears to set prices (Seligman Collection, Columbia Univ. Lib., Proclamations, James I, 1603); the *Book of Orders* of 1630 concludes with the warning that "if the Corne-masters and other Owners of Victuall. . . shall not willingly performe these Orders", His Majesty will "give Order that reasonable Prices shall be set"; the Privy Council attempted to restrain prices by Proclamation in 1709, Liverpool Papers, Brit. Mus., Add. MS. 38353, fo. 195; and the matter was actively canvassed in 1757 — see Smith, *Three Tracts on the Corn Trade*, pp. 29, 35. And (apart from the Assize of Bread) other price-fixing powers lingered on. In 1681 at Oxford market (controlled by the University) prices were set for butter, cheese, poultry,



This emergency legislation was falling into disrepair during the Civil Wars.<sup>1</sup> But the popular memory, especially in a pre-literate society, is extraordinarily long. There can be little doubt that a direct tradition extends from the *Book of Orders* of 1630 to the actions of clothing workers in East Anglia and the West in the eighteenth century. (The literate had long memories also: the *Book of Orders* itself was republished, unofficially in 1662, and again in 1758, with a prefatory address to the reader referring to the present "wicked combination to make scarcity".)<sup>2</sup>

The Orders were themselves in part a response to the pressure of the poor:

The Corne is so dear  
I dout mani will starve this yeare —

So ran a doggerel notice affixed in the church porch in the parish of Wye (Kent) in 1630:

If you see not to this  
Sum of you will speed amis.  
Our souls they are dear,  
For our bodys have sume ceare  
Before we arise  
Less will safise. . .  
You that are set in place  
See that youre profesion you doe not disgrace. . .<sup>3</sup>

meat, bacon, candles, oats, and beans: "The Oxford Market", *Collectanea* 2nd ser. (Oxford, 1890), pp. 127-8. It seems that the Assize of Ale lapsed in Middlesex in 1692 (Lipson, *op. cit.*, ii, p. 501), and in 1762 brewers were authorized (by 2 Geo. III, c. 14) to raise the price in a reasonable manner; but when in 1773 it was proposed to raise the price by  $\frac{1}{4}$ d. a quart Sir John Fielding wrote to the earl of Suffolk that the increase "cannot be thought reasonable; nor will the subject submit to it": *Calendar of Home Office Papers*, 1773, pp. 9-14; P. Mathias, *The Brewing Industry in England, 1700-1830* (Cambridge, 1959), p. 360.

<sup>1</sup>See G. D. Ramsay, "Industrial *Laissez-Faire* and the Policy of Cromwell", *Econ. Hist. Rev.*, 1st series, xvi (1946), esp. pp. 103-4; M. James, *Social Problems and Policy during the Puritan Revolution* (1930), pp. 264-71.

<sup>2</sup>*Seasonable Orders Offered from former Precedents Whereby the Price of Corn. . . may be much abated* (1662) — a reprint of the Elizabethan Orders; J. Massie, *Orders Appointed by His Majestie King Charles I* (1758).

<sup>3</sup>*Calendar State Papers, Domestic*, 1630, p. 387.

One hundred and thirty years later (1768) incendiary papers were once again being nailed to church doors (as well as to inn-signs) in parishes within the same lathe of Scray in Kent, inciting the poor to rise.<sup>1</sup> Many similar continuities can be observed, although undoubtedly the pattern of direct action spread to new districts in the eighteenth century. In many actions, especially in the old manufacturing regions of the East and West, the crowd claimed that since the authorities refused to enforce "the laws" they must enforce them for themselves. In 1693 at Banbury and Chipping Norton the crowd "took away the corne by force out of the waggons, as it was carrying away by the ingrossers, saying that they were resolved to put the law in execution, since the magistrates neglected it".<sup>2</sup> During the extensive disorders in the West in 1766 the sheriff of Gloucestershire, a gentleman clothier, could not disguise his respect for the rioters who

went. . . to a farmhouse and civilly desired that they wou'd thresh out and bring to market their wheat and sell it for five shillings per bushel, which being promised, and some provisions given them unasked for, they departed without the least violence or offence.

If we follow other passages of the sheriff's accounts we may encounter most of the features found in these actions:

On Friday last a Mobb was rais'd in these parts by the blowing of Horns &c consisting entirely of the lowest of the people such as weavers, mecanicks, labourers, prentices, and boys, &c. . .

"They proceeded to a gristmill near the town. . . cutting open Baggs of Flower and giving & carrying it away & destroying corn &c." They then attended at the main markets, setting the price of grain. Three days later he sent a further report:

They visited Farmers, Millers, Bakers and Hucksters shops, selling corn, flower, bread, cheese, butter, and bacon, at their own prices. They returned in general the produce [i.e. the money] to the proprietors or in their absence left the money for them; and behaved with great regularity and decency where they were not opposed, with outrage and violence where they was: but pilferd very little, which to prevent, they will not now suffer Women and boys to go with them.

<sup>1</sup>*Calendar of Home Office Papers*, 1768, p. 342.

<sup>2</sup>Westerfield, *op. cit.*, p. 148.



After visiting the mills and markets around Gloucester, Stroud and Cirencester, they divided into parties of fifty and a hundred and visited the villages and farms, requesting that corn be brought at fair prices to market, and breaking in on granaries. A large party of them attended on the sheriff himself, downed their cudgels while he addressed them on their misdeameanours, listened with patience, "cheerfully shouted God Save the King", and then picked up their cudgels and resumed the good work of setting the price. The movement partook of the character of a general strike of the whole clothing district: "the rioters come into our workshops. . . and force out all the men willing or unwilling to join them".<sup>1</sup>

This was an unusually large-scale and disciplined action. But the account directs us to features repeatedly encountered. Thus the movement of the crowd from the market-place outwards to the mills and thence (as in the *Book of Orders*) to farms, where stocks were inspected and the farmers ordered to send grain to market at the price dictated by the crowd — all this is commonly found. This was sometimes accompanied by the traditional round of visits to the houses of the great, for contributions, forced or voluntary. At Norwich in 1740 the crowd, after forcing down prices in the city, and seizing a keel loaded with wheat and rye on the river, solicited contributions from the rich of the city:

Early on Thursday Morning, by Sound of Horns, they met again; and after a short Confabulation, divided into Parties, and march'd out of Town at different Gates, with a long Streamer carried before them, purposing to visit the Gentlemen and Farmers in the neighbouring Villages, in order to extort Money, Strong Ale, &c, from them. At many places, where the Generosity of People answer'd not their Expectation, 'tis said they shew'd their Resentment by treading down the Corn in the Fields. . .

Perambulating crowds were active in this year, notably in Durham and Northumberland, the West Riding, and several parts of North Wales. Anti-export demonstrators, commencing at Dewsbury (April 1740) were led by a drummer and "a sort of ensign or colours"; they performed a regular circuit of

<sup>1</sup>Letters of W. Dalloway, Brimscomb, 17 and 20 Sept. 1766, in PRO, PC 1/8/41.

the local mills, destroying machinery, cutting sacks, and carrying away grain and meal. In 1766 a perambulating crowd in the Thames Valley called themselves "the Regulators"; a terrified farmer allowed them to sleep in the straw in his yard, and "could hear from his Chamber that they were telling one another whom they had most frightened, & where they had the best success". The pattern continues in the 1790s: at Ellesmere (Shropshire) the crowd stopping the corn as it goes to the mills and threatening the farmers individually; in the Forest of Dean the miners visiting mills and farmers' houses, and exacting money "from persons they meet in the road"; in West Cornwall the tinnerns visiting farms with a noose in one hand and an agreement to bring corn at reduced prices to market in the other.<sup>1</sup>

It is the restraint, rather than the disorder, which is remarkable; and there can be no doubt that the actions were approved by an overwhelming popular consensus. There is a deeply-felt conviction that prices *ought*, in times of dearth, to be regulated, and that the profiteer put himself outside of society. On occasion the crowd attempted to enlist, by suasion or force a magistrate, parish constable, or some figure of authority to preside over the *taxation populaire*. In 1766 at Drayton (Oxfordshire) members of the crowd went to John Lyford's house "and asked him if he were a Constable — upon his saying 'yes' Cheer said he sho'd go with them to the Cross & receive the money for 3 sacks of flour which they had taken from one Betty Smith and which they w'd sell for 5s a Bushel"; the same crowd enlisted the constable of Abingdon for the same service. The constable of Handborough (also in Oxfordshire) was enlisted in a similar way, in 1795; the crowd set a price — and a substantial one — of 40s a sack upon a wagon of flour which had been inter-

<sup>1</sup>Norwich, 1740 — *Ipswich Journal*, 26 July 1740; Dewsbury, 1740 — J. L. Kaye and five magistrates, Wakefield, 30 Apr. 1740, in PRO, SP 36/50; Thames Valley, 1766 — testimony of Bartholomew Freeman of Bisham Farm, 2 Oct. 1766, in PRO, TS 11/995/3707; Ellesmere, 1795 — PRO, WO 1/1089, fo. 359; Forest of Dean — John Turner, mayor of Gloucester, 24 June 1795, PRO, WO 1/1087; Cornwall — see John G. Rule, "Some Social Aspects of the Cornish Industrial Revolution", in Roger Burt (ed.), *Industry and Society in the South-West* (Exeter, 1970), pp. 90-1.



cepted, and the money for no fewer than fifteen sacks was paid into his hands. In the Isle of Ely, in the same year, "the mob insisted upon buying meat at 4d per lb, & desired Mr Gardner a Magistrate to superintend the sale, as the Mayor had done at Cambridge on Saturday sennight". Again in 1795 there were a number of occasions when militia or regular troops supervised forced sales, sometimes at bayonet-point, their officers looking steadfastly the other way. A combined operation of soldiery and crowd forced the mayor of Chichester to accede in setting the price of bread. At Wells men of the 122nd Regiment began

by hooting those they term'd forestallers or jobbers of butter, who they hunted in different parts of the town — seized the butter — collected it together — placed sentinels over it — then threw it, & mix't it together in a tub — & afterwards retail'd the same, weighing it in scales, selling it after the rate of 8d per lb. . . though the common price given by the jobbers was rather more than 10d.<sup>1</sup>

It would be foolish to suggest that, when so large a breach was made in the outworks of deference, many did not take the opportunity to carry off goods without payment. But there is abundant evidence the other way, and some of it is striking. There are the Honiton lace-workers, in 1766, who, having taken corn from the farmers and sold it at the popular price in the market, brought back to the farmers not only the money but also the sacks; the Oldham crowd, in 1800, which rationed each purchaser to two pecks a head; and the many occasions when carts were stopped on the roads, their contents sold, and the money entrusted to the carter.<sup>2</sup>

Moreover, in those cases where goods were taken without payment, or where violence was committed, it is wise to

<sup>1</sup>Drayton, Oxon — brief against Wm. Denley and three others, in PRO, TS 11/995/3707; Handborough — information of Robert Prior, constable, 6 Aug. 1795, PRO, Assizes 5/116; Isle of Ely — Lord Hardwicke, Wimpole, 27 July 1795, PRO, HO 42/35 and H. Gunning, *Reminiscences of Cambridge* (1854), ii, pp. 5-7; Chichester — duke of Richmond, Goodwood, 14 Apr. 1795, PRO, WO 1/1092; Wells — "Verax", 28 Apr. 1795, PRO, WO 1/1082 and the Rev. J. Turner, 28 Apr., HO 42/34. For an example of a constable who was executed for his part in a tinnerns' riot in St. Austell, 1729, see Rule, *op. cit.*, p. 90.

<sup>2</sup>See Rose, *op. cit.*, p. 435; Edwin Butterworth, *Historical Sketches of Oldham* (Oldham, 1856), pp. 137-9, 144-5.

enquire whether any particular aggravation of circumstances enters into the case. The distinction is made in an account of an action at Portsea (Hampshire) in 1795. The bakers and butchers were first offered by the crowd the popular price: "those that complied in those demands were paid with exactness". But those who refused had their shops rifled "without receiving any more money than the mob chose to leave". Again, the quarrymen at Port Isaac (Cornwall) in the same year seized barley warehoused for export, paying the reasonably high price of 11s. a bushel, at the same time warning the owner that "if he offer'd to ship the Remainder they would come & take it without making him any recompence". Very often the motive of punishment or revenge comes in. The great riot in Newcastle in 1740, when pitmen and keelmen swept into the Guildhall, destroyed the town books and shared out the town's hutch, and pelted aldermen with mud and stones, came only after two phases of aggravation: first, when an agreement between the pitmen's leaders and the merchants (with an alderman acting as arbitrator) setting the prices of grain had been broken; second, when panicky authorities had fired into the crowd from the Guildhall steps. At one house in Gloucestershire in 1766 shots were fired at the crowd which (writes the sheriff) —

they highly resented by forceing into the house, and destroying all the furniture, windows, &c and partly untiled it; they have given out since that they greatly repented of this act because 'twas not the master of the house (he being from home) that fired upon them.

In 1795 the tinnerns mounted an attack upon a Penryn (Cornwall) merchant who was contracted to send them barley, but who had sent them spoiled and sprouting grain. When mills were attacked, and their machinery damaged, it was often in furtherance of a long-standing warning, or as punishment for some notorious practice.<sup>1</sup>

Indeed, if we wish to call in question the unilinear and

<sup>1</sup>Portsea — *Gentleman's Magazine*, lxx (1795), p. 343; Port Isaac — Sir W. Molesworth, 23 March 1795, PRO, HO 42/34; Newcastle — *Gentleman's Magazine*, x (1740), p. 355, and various sources in PRO, SP 36/51, in Northumberland CRO and Newcastle City Archives Office; Gloucestershire, 1766 — PRO, PC 1/8/41; Penryn, 1795 — PRO, HO 42/34.



spasmodic view of food riots, we need only point to this continuing motif of popular intimidation, when men and women near to starvation nevertheless attacked mills and granaries, not to steal the food, but to punish the proprietors. Repeatedly corn or flour was strewn along the roads and hedges; dumped into the river; mill machinery was damaged and mill-dams let off. To examples of such behaviour the authorities reacted both with indignation and astonishment. It was symptomatic (as it seemed to them) of the "frantic" and distempered humours of a people whose brain was inflamed by hunger. In 1795 both the Lord Chief Justice and Arthur Young delivered lectures to the poor, pointing out that the destruction of grain was not the best way to improve the supply of bread. Hannah More added a Half-penny Homily. An anonymous versifier of 1800 gives us a rather more lively example of these admonitions to the lower orders:

When with your country Friends your hours you pass,  
And take, as oft you're wont, the copious glass,  
When all grow mellow, if perchance you hear  
"That 'tis th' Engrossers make the corn so dear;  
"They must and will have bread; they've had enough  
"Of Rice and Soup, and all such *squashy* stuff:  
"They'll help themselves: and strive by might and main  
"To be reveng'd on all such rogues in grain":  
John swears he'll fight as long as he has breath,  
"Twere better to be hang'd than starv'd to death:  
"He'll burn Squire Hoardum's garner, so he will,  
"Tuck up old Filchbag, and pull down his mill".  
Now when the Prong and Pitchfork they prepare  
And all the implements of rustick war. . .  
Tell them what ills unlawful deeds attend,  
Deeds, which in wrath begun, and sorrow end,  
That burning barns, and pulling down a mill,  
Will neither corn produce, nor bellies fill.<sup>1</sup>

But were the poor really so silly? One suspects that the millers and dealers, who kept one wary eye on the people and the other on the maximisation of their profits, knew better than the poetasters at their *escritoirs*. For the poor had their own sources of information. They worked on the docks. They moved the barges on the canals. They drove the carts

<sup>1</sup> Anon., *Contentment: or Hints to Servants, on the Present Scarcity* (broadsheet, 1800).

and manned the toll-gates. They worked in the granaries and the mills. They often knew the local facts far better than the gentry; in many actions they went unerringly to hidden supplies of grain whose existence the JPs, in good faith, denied. If rumours often grew beyond all bounds, they were always rooted in at least some shallow soil of fact. The poor knew the one way to make the rich yield was to twist their arms.

## VI

Initiators of the riots were, very often, the women. In 1693 we learn of a great number of women going to Northampton market, "with knives stuck in their girdles to force corn at their own rates". In an export riot in 1737 at Poole (Dorset) it was reported: "The Numbers consist of so many Women, & the Men supporting them, & Swear, if any one offers to molest any of the Women in their Proceedings they will raise a Great Number of Men & destroy both Ships & Cargoes". The mob was raised in Stockton (Durham) in 1740 by a "Lady with a stick and a horn". At Haverfordwest (Pembroke) in 1795 an old-fashioned JP who attempted, with the help of his curate, to do battle with the colliers, complained that "the women were putting the Men on, & were perfect furies. I had some strokes from some of them on my Back. . .". A Birmingham paper described the Snow Hill riots as the work of "a rabble, urged on by furious women". In dozens of cases it is the same — the women pelting an unpopular dealer with his own potatoes, or cunningly combining fury with the calculation that they had slightly greater immunity than the men from the retaliation of the authorities: "the women told the common men", the Haverfordwest magistrate said of the soldiers, "that they knew they were in their Hearts for them & would do them no hurt".<sup>1</sup>

<sup>1</sup> Northampton — *Calendar State Papers, Domestic*, 1693, p. 397; Poole — memorial of Chitty and Lefebare, merchants, enclosed in Holles Newcastle, 26 May 1737, PRO, SP 41/10; Stockton — Edward Goddard, 24 May 1740, PRO, SP 36/50 ("We met a Lady with a Stick and a horn going towards Norton to raise the people. . . took the horn from her, She using very ill language all the while and followed into the Town, raising all the People she could. . . Ordered the Woman to be taken up. . .



These women appear to have belonged to some pre-history of their sex before its Fall, and to have been unaware that they should have waited for some two hundred years for their Liberation. (Southey could write as a commonplace, in 1807: "Women are more disposed to be mutinous; they stand less in fear of law, partly from ignorance, partly because they presume upon the privilege of their sex, and therefore in all public tumults they are foremost in violence and ferocity".<sup>1</sup>) They were also, of course, those most involved in face-to-face marketing, most sensitive to price significances, most experienced in detecting short-weight or inferior quality. It is probable that the women most frequently precipitated the spontaneous actions. But other actions were more carefully prepared. Sometimes notices were nailed to church or inn doors. In 1740 "a Mach of Futtball was Cried at Ketring of five Hundred Men of a side, but the design was to Pull Down Lady Betey Jesmaine's Mills". At the end of the century the distribution of hand-written notices may have become more common. From Wakefield (Yorkshire), 1795:

To Give Notice

To all Women & inhabitation of Wakefield they are desired to meet at the New Church. . . on Friday next at Nine O'Clock. . . to state the price of corn. . .

By desire of the inhabitants of Halifax  
Who will meet them there

From Stratton (Cornwall), 1801:

To all the labouring Men and Tradesmen in the Hundred of Stratton that are willing to save their Wives and Children from the Dreadfull condition of being STARVED to DEATH by the unfeeling and Gripping Farmer. . . Assemble all emediately and march in Dreadfull Array to

She all the way Crying out, Damn you all, Will You See me Suffer, or be sent to Gaol?"); Haverfordwest — PRO, HO 42/35; Birmingham — J. A. Langford, *A Century of Birmingham Life* (Birmingham, 1868), ii, p. 52.

<sup>1</sup>*Letters from England* (1814), ii, p. 47. The women had other resources than ferocity: a colonel of Volunteers lamented that "the Devil in the shape of Women is now using all his influence to induce the Privates to brake their attachments to their Officers": Lt.-Col. J. Entwisle, Rochdale, 5 Aug. 1795, PRO, WO 1/1086.

the Habitations of the Gripping Farmer, and Compell them to sell their Corn in the Market, at a fair and reasonable Price. . .<sup>1</sup>

The small-scale, spontaneous action might develop from a kind of ritualised hooting or groaning outside retailers' shops;<sup>2</sup> from the interception of a wagon of grain or flour passing through a populous centre; or from the mere gathering of a menacing crowd. Very quickly a bargaining-situation would develop: the owner of the provisions knew very well that if he did not comply voluntarily with the price imposed by the crowd (and his compliance made any subsequent prosecution very difficult) he stood in danger of losing his stock altogether. When a wagon with sacks of wheat and flour was intercepted at Handborough (Oxfordshire) in 1795, some women climbed aboard and pitched the sacks on the roadside. "Some of the persons assembled said they would give Forty Shillings a Sack for the Flour, and they would have it at that, and would not give more, and if that would not do, they would have it by force." The owner (a "yeoman") at length agreed: "If that must be the price, it must be the price". The procedure of forced bargaining can be seen equally clearly in the deposition of Thomas Smith, a baker, who rode into Hadstock (Essex) with bread on his panniers (1795). He was stopped in the village street by forty or more women and children. One of the women (a labourer's wife) held his horse

and having asked whether he had fallen in his price of Bread, he told her, he had no Orders to fall from the Millers, & she then said, "By God if you don't fall you shall not leave any Bread in the Town". . .

Several in the crowd then offered 9d. a quartern loaf, while he demanded 19d. They then "swore that if he would not let them have it at 9d a Loaf, they would take it away, & before

<sup>1</sup>Kettering — PRO, SP 36/50: for other examples of the use of football to assemble a crowd, see R. M. Malcolmson, "Popular Recreations in English Society, 1700-1850" (Warwick, Univ. Ph.D. thesis, 1970); Wakefield — PRO, HO 42/35; Stratton — handwritten notice, dated 8 April and signed "Cato", in PRO, HO 42/61 fo. 718.

<sup>2</sup>A correspondent from Rosemary Lane (London), 2 July 1795, complained of being awoken at 5 a.m. "By a most dreadful Groaning (as the Mob call it) but what I should call Squealing": PRO, WO 1/1089 fo. 719.



he could give any other Answer, several Persons then about him took several of the Loaves off his Pads. . .". Only at this point did Smith agree to the sale at 9d. the loaf. The bargaining was well understood on both sides; and retailers, who had to hold on to their customers in the fat years as well as the lean, often capitulated at the first sign of crowd turbulence.<sup>1</sup>

In larger-scale disturbances, once the nucleus of a crowd had been formed, the remainder was often raised by horn or drums. "On Monday last," a letter from a Shropshire magistrate commences in 1756, "the colliers from Broseley &c assembled with horns blowing, & proceeded to Wenlock Market. . .". What was critical was the gathering of the determined nucleus. Not only the "virility" of the colliers, and their particular exposure to consumer-exploitation, explain their prominent role, but also their numbers and the natural discipline of the mining community. "On Thursday morning", John Todd, a pitman at Heaton Colliery, Gateshead, deposed (1740), "at the time of the night shift going on", his fellow pitmen, "about 60 or 80 in number stopped the gin at the pit. . . and it was proposed to come to Newcastle to settle the prices of corn. . .". When they came from Nook Colliery into Haverfordwest in 1795 (the magistrate relates that his curate said: "Doctor, here are the colliers coming. . . I looked up & saw a great crowd of men women & children with oaken bludgeons coming down the street bawling out, 'One & all — one & all' ") the colliers explained later that they had come at the request of the poor townspeople, who had not the morale to set the price on their own.<sup>1</sup>

The occupational make-up of the crowd provides few surprises. It was (it seems) fairly representative of the occupations of the "lower orders" in the rioting areas. At Witney (Oxfordshire) we find informations against a blanket-weaver, a tailor, the wife of a victualler, and a servant; at Saffron Walden (Essex) indictments against two collar-makers, a cordwainer, a bricklayer, a carpenter, a sawyer, a

<sup>1</sup>Broseley — T. Whitmore, 11 Nov. 1756, PRO, SP 36/136; Gateshead — information of John Todd in Newcastle City Archives; Haverfordwest — PRO, HO 42/35.

worsted-maker, and nine labourers; in several Devonshire villages (Sampford Peverell, Burlescomb, Culmstock) we find a spinster, two weavers, a woolcomber, a cordwainer, a thatcher, and ten labourers indicted; in the Handborough affair a carpenter, a mason, a sawyer, and seven labourers were mentioned in one information.<sup>1</sup> There were fewer accusations as to the alleged incitement by persons in a superior station in life than Rudé and others have noted in France,<sup>2</sup> although it was more often suggested that the labourers were encouraged by their superiors towards a tone hostile to farmers and middlemen. An observer in the South-West in 1801 argued that the riots were "certainly directed by inferior Tradesmen, Woolcombers, & Dissenters, who keep aloof but by their language & immediate influence govern the lower classes".<sup>3</sup> Occasionally, large employers of labour were alleged to have encouraged their own workers to act.<sup>4</sup>

Another important difference, as compared with France, was the relative inactivity of farm labourers in England as contrasted with the activity of the *vignerons* and petty peasantry. Many cereal farmers, of course, continued the custom of selling cheap grain to their own labourers, while the living-in hired farm servants shared the farmer's board. Rural labourers did participate in riots, when some other groups (like colliers) formed the original nucleus, or where

<sup>1</sup>Witney — information of Thomas Hudson, 10 Aug. 1795, PRO, Assizes 5/116; Saffron Walden — indictments for offences on 27 July 1795, PRO, Assizes 35/236; Devonshire — calendar for Summer Circuit, 1795, PRO, Assizes 24/43; Handborough — information of James Stevens, tythingman, 6 Aug. 1795, PRO, Assizes 5/116. All 13 of the Berkshire rioters of 1766 tried by Special Commission were described as "labourers"; of 66 persons brought before the Special Commission at Gloucester in 1766, 51 were described as "labourers", 10 were wives of "labourers", 3 were spinsters: the descriptions reveal little: *G. B. Deputy Keeper of Public Records, 5th Report* (1844), ii, pp. 198-9, 202-4. For Wales, 1793-1801, see Jones, "Corn Riots in Wales", App. III, p. 350. For Dundee, 1772, see S. G. E. Lythe, "The Tayside Meal Mobs", *Scot. Hist. Rev.*, xlv (1967), p. 34: a porter, a quarryman, three weavers, and a sailor were indicted.

<sup>2</sup>See Rudé, *The Crowd in History*, p. 38.

<sup>3</sup>Lt.-Gen. J. G. Simcoe, 27 Mar. 1801, PRO, HO 42/61.

<sup>4</sup>Thus in an export riot in Flint (1740) there were allegations that the steward of Sir Thomas Mostyn had found arms for his own colliers: various depositions in PRO, SP 36/51.



some activity brought them together in sufficient numbers. When a large band of labourers toured the Thames Valley in 1766, the action had commenced with gangs at work on a turnpike-road, who said "with one Voice, Come one & all to Newbury in a Body to Make the Bread cheaper". Once in town, they raised further support by parading in the town square and giving three huzzas. In East Anglia in 1795 a similar nucleus was found from among the "bankers" (gangs "employed in cleansing out Drains & in embanking"). The bankers also were less subject to instant identification and punishment, or to the revenges of village paternalism, than were field labourers, being "for the most part strangers from different countries [who] are not so easily quieted as those who live on the spot".<sup>1</sup>

In truth, the food riot did not require a high degree of organisation. It required a consensus of support in the community, and an inherited pattern of action with its own objectives and restraints. And the persistence of this form of action raises an interesting question: how far was it, in any sense, successful? Would it have continued, over so many scores, indeed hundreds, of years, if it had consistently failed to achieve its objectives, and had left nothing but a few ruined mills and victims on the gallows? It is a question peculiarly difficult to answer; but one which must be asked.

## VII

In the short-term it would seem probable that riot and price-setting defeated their own objects. Farmers were sometimes intimidated so far that they refused afterwards, for several weeks, to bring goods to market. The interdiction of the movement of grain within the country was likely only to aggravate shortage in other regions. Although instances can be found where riot appeared to result in a fall in prices, and instances can be found of the opposite, and, further, instances can be found where there appears to be little difference in the movement of prices in riot and non-riot markets, none of these instances — however aggregated or averaged — need necessarily disclose the effect of the

<sup>1</sup>Newbury — brief in PRO, TS 11/995/3707; East Anglia — B. Clayton, Boston, 11 Aug. 1795, PRO, HO 42/35.

*expectation* of riot upon the total market-situation.<sup>1</sup>

We may take an analogy from war. The actual immediate benefits of war are rarely significant, either to victor or defeated. But the benefits which may be gained by the *threat* of war may be considerable: and yet the threat carries no terrors if the sanction of war is never used. If the marketplace was as much an arena of class war as the factory and mine became in the industrial revolution, then the threat of riot would affect the entire marketing situation, not only in years of dearth but also in years of moderate harvest, not only in towns notorious for their susceptibility to riot but also in towns where the authorities wished to preserve a tradition of peace. However carefully we quantify the available data these cannot show us to what level prices would have risen if the threat of riot had been altogether removed.

The authorities in riot-prone areas were often cool and competent in handling disturbance. This allows one sometimes to forget that riot was a calamity, often resulting in a profound dislocation of social relations in the community, whose results could linger on for years. The provincial magistracy were often in extreme isolation. Troops, if they were sent for, might take two, three or more days to arrive, and the crowd knew this very well. The sheriff of Gloucestershire could do nothing in the first days of the "rising" of 1766 but attend at Stroud market with his "javelin men". A Suffolk magistrate in 1709 refrained from imprisoning the leaders of the crowd because "the Mob threatened to pull both his house and the Bridewell down if he punished any of their fellows". Another magistrate who led a ragged and unmartial *posse comitatus* through North Yorkshire to Durham in 1740, capturing prisoners on the way, was dismayed to find the citizens of Durham turn out and release two of his prisoners at the gate of the gaol. (Such rescues were common). A Flint grain exporter had an even more unpleasant experience in the same year. Rioters entered his house, drank the beer and wine in his vaults, and stood —

<sup>1</sup>Undoubtedly detailed investigation of short-term price-movements in relation to riot will help to refine the question; but the variables are many, and evidence as to some (*anticipation* of riot, persuasion brought to bear on tenants, dealers, etc., charitable subscriptions, application of poor rates, etc.) is often elusive and difficult to quantify.



with a Drawn Sword pointed upon my Daughter in Laws breast. . . They have a great many Fire Arms, Pikes and Broadswords. Five of the Pikes they declare that four of them shall do to Carry my Four Quarters and the other my head in triumph about with them. . .<sup>1</sup>

The question of order was by no means simple. The inadequacy of civil forces was combined with a reluctance to employ military force. The officers themselves had sufficient humanity, and were surrounded by sufficient ambiguity as to their powers in civil affrays, to show a marked lack of enthusiasm for employment in this "Odious Service".<sup>1</sup> If local magistrates called in the troops, or authorised the use of fire-arms, they had to go on living in the district after the troops had left, incurring the odium of the local population, perhaps receiving threatening letters, and being the victims of broken windows or even arson. Troops billeted in a town quickly became unpopular, even with those who had first called them in. With uncanny regularity requests for the aid of troops are followed, in Home Office or War Office papers, after an interval of five or six weeks, by petitions for their removal. A pitiful petition from the inhabitants of Sunderland in 1800, headed by their Rector, asked for the withdrawal of the 68th Regiment:

Their principal aim is robbery. Several have been knocked down and plundered of their watches, but always it has been done in the most violent and brutal manner.

One young man had had his skull fractured, another his upper lip cut off. Inhabitants of Wantage, Farringdon and Abingdon petitioned

in the name of God. . . remove the part of Lord Landaff's regiment from this place, or else Murder must be the consequence, for such a sett of Villains never entered this Town before.

A local magistrate, supporting the petition, added that the "savage behaviour of the military. . . exasperates the populace to the highest degree. The usual intercourse of the husbandmen at fairs and markets is much interrupted."<sup>2</sup>

<sup>1</sup>" . . . a most Odious Service which nothing but Necessity can justify", Viscount Barrington to Weymouth, 18 Apr. 1768, PRO, WO 4/83, fos. 316-7.

<sup>2</sup>Sunderland — petition in PRO, WO 40/17; Wantage and Abingdon — petition to Sir G. Young and C. Dundas, 6 Apr. 1795, *ibid.*

Riot was a calamity. The "order" which might follow after riot could be an even greater calamity. Hence the anxiety of authorities, either to anticipate the event, or to cut it short in its early stages, by personal presence, by exhortation and concession. In a letter of 1773 the mayor of Penryn, besieged by angry tanners, writes that the town was visited by three hundred "of those Banditti, with whom we were forced to beat a Parley and come to an agreement to let them have the Corn for one-third less than the Prime Cost to the Proprietors". Such parleys, more or less reluctant, were common. An experienced Warwickshire magistrate, Sir Roger Newdigate, noted in his diary on 27 September 1766:

At 11 rode to Nuneaton. . . and with the principal people of the town met the Bedworth colliers and mob who came hallowing and armed with sticks, demanded what they wanted, promised to satisfy all their reasonable demands if they would be peaceable and throw away their sticks which all of them then did into the Meadow, then walked with them to all the houses which they expected had engrossed and let 5 or 6 go in search and persuaded the owners to sell what was found of cheese. . .

The colliers then left the town quietly, after Sir Roger Newdigate and two others had each given them half a guinea. They had, in effect, acted according to the *Book of Orders*.<sup>1</sup>

This kind of bargaining, in the first commencement of riot, often secured concessions for the crowd. But we should also note the exertions by magistrates and landowners in anticipation of riot. Thus a Shropshire magistrate in 1756 describes how the colliers "say if the farmers do not bring their corn to the markets, they will go to their houses & thresh for themselves":

I have sent to my Tenants to order them to take each of them some corn to the market on Saturday as the only means I can think of to prevent greater outrages.

In the same year we may observe magistrates in Devon exerting themselves in a similar way. Riots had occurred at Ottery, farmers' corn seized and sold off at 5s. a bushel, and

<sup>1</sup>Penryn — PRO, WO 40/17; Warwickshire — H. C. Wood, "The Diaries of Sir Roger Newdigate, 1751-1806", *Trans. Birmingham Archaeological Soc.*, lxxviii (1962), p. 43.



several mills attacked. Sir George Yonge sent his servant to affix an admonitory and conciliatory paper in the market-place:

The mob gather'd, insulted my Servant, and intimidated the Cryer. . . On reading [the paper] they declared It would not do, the Gentlemen need not trouble themselves, for *They* would fix the Price at 4s 9d next Market Day: upon this I rode into the Town yesterday, and told both the Common people and the better sort, that if things were not quiet the military must be sent for. . .

He and two neighbouring gentry had then sent their own corn into the local markets:

I have ordered mine to be sold at 5s 3d and 5s 6d per bushell to the poorer sort, as we have resolved to keep rather above the Price dictated by the Mob. I shall send to the Millers to know if they can part with any Flour. . .

The mayor of Exeter replied to Yonge that the city authorities had ordered corn to be sold at 5s. 6d.: "Everything was quiet immediately the farmers fell the price. . .". Similar measures were still being taken in Devon in 1801, "some Gentlemen of the most respectable characters in the neighbourhood of Exeter. . . directing. . . their Tenantry to bring Corn to the Market, under the penalty of not having their leases renewed". In 1795 and 1800-1 such orders by traditionalist landowners to their farming tenants were frequent in other counties. The earl of Warwick (an arch-paternalist and an advocate of the legislation against forestallers in its fullest rigour) rode in person around his estates giving such directions to his tenants.<sup>1</sup>

Such pressures as these, in anticipation of riot, may have been more effective than has been proposed: in getting corn to market; in restraining rising prices; and in intimidating certain kinds of profiteering. Moreover, a disposition to riot was certainly effective as a signal to the rich to put the machinery of parish relief and of charity — subsidised corn and bread for the poor — into good repair. In January 1757

<sup>1</sup>Shropshire — T. Whitmore, II Nov. 1756, PRO, SP 36/136; Devon — HMC, *City of Exeter*, series Ixxiii (1916), pp. 255-7; Devon, 1801 — Lt.-Gen. J. G. Simcoe, 27 Mar. 1801, PRO, HO 42/61; Warwick — T. W. Whitley, *The Parliamentary Representation of the City of Coventry* (Coventry, 1894), p. 214.

Reading Corporation agreed:

that a Subscription be set on foot for Raising money to Buy Bread to be Distributed to the Poor. . . at a Price to be fixed much below the present price of Bread. . .

The Corporation itself donated £21.<sup>1</sup> Such measures were very commonly followed, the initiative coming sometimes from a corporation, sometimes from individual gentry, sometimes from Quarter Sessions, sometimes from parish authorities, sometimes from employers — especially those who employed a substantial labour-force (such as lead-miners) in isolated districts.

The measures taken in 1795 were especially extensive, various and well-documented. They ranged from direct subscriptions to reduce the price of bread (the parishes sometimes sending their own agents direct to the ports to purchase imported grain), through subsidies from the poor rates, to the Speenhamland system. The examination of such measures would take us farther into the history of the poor laws than we intend to go.<sup>2</sup> But the effects were sometimes curious. Subscriptions, while quieting one area, might provoke riot in an adjacent one, through arousing a sharp sense of inequality. An agreement in Newcastle in 1740 to reduce prices, reached between merchants and a deputation of demonstrating pitmen (with aldermen mediating), resulted in "country people" from outlying villages flooding into the city; an unsuccessful attempt was made to limit the sale to persons with a written certificate from "a Fitter, Staithman, Ton Tail Man, or Churchwarden". Participation by soldiers in price-setting riots in 1795 was explained, by the duke of Richmond, as arising from a similar inequality: it was alleged by the soldiers "that while the Country People are relieved by their Parishes and Subscriptions, the Soldiers receive no such Benefit". Moreover, such subscriptions,

<sup>1</sup>MS diary of Reading Corporation, Central Public Library, Reading: entry for 24 January 1757. £30 was disbursed "towards the present high price of Bread" on 12 July 1795.

<sup>2</sup>Especially useful are replies from correspondents in *Annals of Agriculture*, xxiv and xxv (1795). See also S. and B. Webb, "The Assize of Bread", *op. cit.*, pp. 208-9; J. L. and B. Hammond, *op. cit.*, ch. vi; W. M. Stern, *op. cit.*, pp. 181-6.



while being intended to buy off riot (actual or potential), might often have the effect of *raising* the price of bread to those outside the benefit of subscription.<sup>1</sup> In South Devon, where the authorities were still acting in 1801 in the tradition of 1757, the process can be seen. The Exeter crowd demonstrated in the market for wheat at 10s. a bushel:

The Gentlemen and Farmers met, & the People waited their decision. . . They were informed that no Price they shou'd name or fix would be agreed to, & principally because the principle of fixing a Price wou'd be resisted. The Farmers then agreed at 12s and every Inhabitant to have it in proportion to their Families. . .

The Arguments of the discontented at Exmouth are very cogent. "Give us whatever *quantity* the Stock in Hand will afford, & at a price by which we can attain it, & we shall be satisfied; we will not accept any Subscription from the Gentry because it enhances the Price, & is a hardship on them".<sup>2</sup>

The point here is not just that prices, in time of scarcity, were determined by many other factors than mere market-forces: anyone with even a scanty knowledge of much-maligned "literary" sources must be aware of that. It is more important to note the total socio-economic context within which the market operated, and the logic of crowd pressure. One other example, this time from a hitherto riot-free market, may show this logic at work. The account is that of a substantial farmer, John Toogood, in Sherborne (Dorset). The year 1757 commenced with "general complaint" at high prices, and frequent accounts of riots elsewhere:

On the 30th of April, being Market-Day, many of our idle and insolent Poor Men and Women assembled and begun a Riot in the Market House, went to Oborn Mill and brought off several Bags of Flour and divided the Spoil here in Triumph.

On the next Monday an anonymous letter, directed to Toogood's brother (who had just sold ten bushels of wheat at 14s. 10d. — "a great price indeed" — to a miller), was found

<sup>1</sup>A point to be watched in any quantified analysis: the price officially returned from a market in the aftermath of riot might *rise*, although, as a consequence of riot or threat of riot, the poor might be receiving corn at subsidised rates.

<sup>2</sup>Newcastle — advertisement 24 June 1740 in City Archives Office; duke of Richmond, 13 Apr. 1795, PRO, WO 1/1092; Devon — James Coleridge, 29 Mar. 1801, HO 42/61.

in the abbey: "Sir, If you do not bring your Wheat into the Market, and sell it at a reasonable price, your Barns shall be pulled down. . .".

As Rioting is quite a new Thing in Sherborne. . . and as the neighbouring Parishes seemed ripe for joining in this Sport, I thought there was no Time to be lost, and that it was proper to crush this Evil in it's Bud, in Order to which we took the following Measures.

Having called a Meeting at the Almshouse, it was agreed that Mr. Jeffrey and I should take a Survey of all the most necessitous Families in the Town, this done, We raised about £100 by Subscriptions, and before the next Market Day, our Justice of the Peace and some of the principal Inhabitants made a Procession throughout the Town and published by the Cryer of the Town the following Notice.

"That the Poor Families of this Town will be supplied with a Quantity of Wheat sufficient for their Support every Week 'till Harvest at the Rate of 8s p. Bushel and that if any person whatsoever after this public Notice shall use any threatening Expressions, or commit any Riot or Disorder in this Town, the Offender shall be forthwith committed to Prison."

They then contracted for wheat, at 10s. and 12s. the bushel, supplying it to a "List of the Poor" at 8s. until harvest. (Sixty bushels weekly over this period will have involved a subsidy of between £100 and £200.) "By these Means we restored Peace, and disappointed many loose, disorderly Fellows of the Neighbouring Parishes, who appeared in the Market with their empty Bags, expecting to have had Corn without Money." John Toogood, setting down this account for the guidance of his sons, concluded it with the advice:

If the like Circumstances happen hereafter in your Time and either of you are engaged in Farming Business, let not a covetous Eye tempt you to be foremost in advancing the Price of Corn, but rather let your Behaviour shew some Compassion and Charity towards the Condition of the Poor. . .<sup>1</sup>

It is within such a context as this that the function of riot may be disclosed. Riot may have been, in the short term, counter-productive, although this has not yet been proved. But, once again, riot was a social calamity, and one to be avoided, even at a high cost. The cost might be to achieve some medium, between a soaring "economic" price in the market, and a traditional "moral" price set by the crowd.

<sup>1</sup>MS diary of John Toogood, Dorset CRO, D 170/1.



That medium might be found by the intervention of paternalists, by the prudential self-restraint of farmers and dealers, or by buying-off a portion of the crowd through charities and subsidies. As Hannah More carolled, in the persona of the sententious Jack Anvil, when dissuading Tom Hod from riot:

So I'll work the whole day, and on Sundays I'll seek  
At Church how to bear all the wants of the week.  
The gentlefolks, too, will afford us supplies,  
They'll subscribe — and they'll give up their puddings and pies.  
*Derry down.*<sup>1</sup>

Derry down, indeed, and even Tra-la-dee-bum-deeay! However, the nature of gentlefolks being what it is, a thundering good riot in the next parish was more likely to oil the wheels of charity than the sight of Jack Anvil on his knees in church. As the doggerel on the *outside* of the church door in Kent had put it succinctly in 1630:

Before we arise  
Less will safise.

### VIII

We have been examining a pattern of social protest which derives from a consensus as to the moral economy of the commonweal in times of dearth. It is not usually helpful to examine it for overt, articulate political intentions, although these sometimes arose through chance coincidence. Rebellious phrases can often be found, usually (one suspects) to chill the blood of the rich with their theatrical effect. It was said that the Newcastle pitmen, flushed with the success of their capture of the Guildhall, "were for putting in practice the old levelling principles"; they did at least tear down the portraits of Charles II and James II and smash their frames. By contrast, bargees at Henley (Oxfordshire) in 1743 called out "Long Live the Pretender"; and someone in Woodbridge (Suffolk) in 1766 nailed up a notice in the market-place which the local magistrate found to be "peculiarly bold and seditious and of high and delicate import": "We are wishing [it said] that our exiled King could come over or send some

<sup>1</sup>"The Riot: or, half a loaf is better than no bread, &c", 1795, in Hannah More, *Works* (1830), ii, pp. 86-8.

Officers." Perhaps the same menace was intended, in the South-West in 1753, by threats that "the French w'd be here soon".<sup>1</sup>

Most common are general "levelling" threats, imprecations against the rich. A letter at Witney (1767) assured the bailiffs of the town that the people would not suffer "such damned wheesing fat guted Rogues to Starve the Poor by such Hellish Ways on purpose that they may follow hunting horse-racing etc. and to maintain their familys in Pride and extravagance". A letter on the Gold Cross at Birmingham's Snow Hill (1766), signed "Kidderminster & Stourbridge", was perhaps in the mode of rhyming doggerel —

. . . there is a small Army of us upwards of three thousand all ready  
to fight  
& I'll be dam'd if we don't make the King's Army to shite  
If so be the King & Parliament don't order better  
we will turn England into a Litter  
& if so be as things don't get cheaper  
I'll be damd if we don't burn down the Parliament House & make  
all better. . .

A letter in Colchester in 1772 addressed to all farmers, millers, butchers, shopkeepers and corn merchants, warned all the "damd Rogues" to take care,

for this is november and we have about two or three hundred bum shells  
a getting in Readiness for the Mellers [millers] and all no king no  
parliment nothing but a powder plot all over the nation.

The gentlemen of Fareham (Hampshire) were warned in 1766 to prepare "for a Mob or Sivel war", which would "pull George from his throne beat down the house of rougs [rogues] and destroy the Sets [seats] of the Law makers". "Tis better to Undergo a forrieghn Yoke than to be used thus", wrote a villager near Hereford in the next year. And so on, and from most parts of Britain. It is, in the main, rhetoric, although rhetoric which qualifies in a devastating

<sup>1</sup>Newcastle — MS account of riots in City Archives; Henley — Isaac, *op. cit.*, p. 186; Woodbridge — PRO, WO 1/873: 1753 — Newcastle MSS, Brit. Lib. Add MS 32732, fo. 343. Earl Poulet, Lord Lieutenant of Somerset, reported in another letter to the duke of Newcastle that some of the mob "came to talk a Levelling language, viz. they did not see why some sh'd be rich & others poor": *ibid.*, fos. 214-5.



way the rhetoric of historians as to the deference and social solidarities of Georgian England.<sup>1</sup>

Only in 1795 and 1800-1, when a Jacobin tinge is frequent in such letters and handbills, do we have the impression of a genuine undercurrent of articulate political motivation. A trenchant example of these is some doggerel addressed to "the Broth Makers & Flower Risers" which gave a Maldon (Essex) magistrate cause for alarm:

On Swill & Grains you wish the poor to be fed  
And underneath the Guillintine we could wish to see your heads  
For I think it is a great shame to serve the poor so —  
And I think a few of your heads will make a pretty show.

Scores upon scores of such letters circulated in these years. From Uley (Gloucestershire), "no King but a Constitution down down down O fatall down high caps and proud hats forever down down. . .". At Lewes (Sussex), after several militiamen had been executed for their part in price-setting, a notice was posted: "Soldiers to Arms!"

Arise and revenge your cause  
On those bloody numskulls, Pitt and George,  
For since they no longer can send you to France  
To be murdered like Swine, or pierc'd by the Lance,  
You are sent for by Express to make a speedy Return  
To be shot like a Crow, or hang'd in your Turn. . .

At Ramsbury (Wiltshire) in 1800 a notice was affixed to a tree:

Downe with Your Luxzuaras Government both spirital & temperal Or  
you starve with Hunger. they have stripp you of bread Chees Meate &c  
&c &c &c &c. Nay even your Lives have they Taken thousands on their  
Expeditions let the Burbon Family defend their owne Cause and let us  
true Britons look to Our Selves let us banish Some to Hanover where  
they came from Downe with your Constitution Arect a republick Or  
you and your offsprings are to starve the Remainder of our Days dear  
Brothers will you lay down and die under Man eaters and Lave your

<sup>1</sup>Witney — *London Gazette*, Nov. 1767, no. 10779; Birmingham — PRO, WO 1/873; Colchester — *London Gazette*, Nov. 1772, no. 11304; Fareham — *ibid.*, Jan. 1767, no. 10690; Hereford — *ibid.*, Apr. 1767, no. 10717.

offspring under that Burden that Blackguard Government which is  
now eatain you up.

God Save the Poor & down with George III.<sup>1</sup>

But these crisis years of the wars (1800-1) would demand separate treatment. We are coming to the end of one tradition, and the new tradition has scarcely emerged. In these years the alternative form of economic pressure — pressure upon wages — is becoming more vigorous; there is also something more than rhetoric behind the language of sedition — underground union organisation, oaths, the shadowy "United Englishmen". In 1812 traditional food riots overlap with Luddism. In 1816 the East Anglian labourers do not only set the prices, they also demand a minimum wage and an end to Speenhamland relief. They look forward to the very different revolt of labourers in 1830. The older form of action lingers on into the 1840s and even later: it was especially deeply rooted in the South-West.<sup>2</sup> But in the new territories of the industrial revolution it passed by stages into other forms of action. The break in wheat prices after the wars eased the transition. In the northern towns the fight against the corn jobbers gave way to the fight against the Corn Laws.

There was another reason why 1795 and 1800-1 bring us into different historical territory. The forms of action which we have been examining depended upon a particular set of social relations, a particular equilibrium between paternalist authority and the crowd. This equilibrium was dislodged in the wars, for two reasons. First, the acute anti-Jacobinism of the gentry led to a new fear of any form of popular self-activity; magistrates were willing to see signs of sedition in price-setting actions even where no such sedition existed; the fear of invasion raised the Volunteers, and thus gave to the

<sup>1</sup>Maldon — PRO, WO 40/17; Uley — W. G. Baker, Oct. 1795, HO 42/36; Lewes — HO 42/35; Ramsbury — enclosure in the Rev. E. Meyrick, 12 June 1800, HO 42/50.

<sup>2</sup>See A. Rowe, "The Food Riots of the Forties in Cornwall", *Report of Royal Cornwall Polytechnic Society* (1942), pp. 51-67. There were food riots in the Scottish Highlands in 1847; in Teignmouth and Exeter in November 1867; and in Norwich a curious episode (the "Battle of Ham Run") as late as 1886.



civil powers much more immediate means for meeting the crowd, not with parley and concession, but with repression.<sup>1</sup> Second, such repression was legitimised, in the minds of central and of many local authorities, by the triumph of the new ideology of political economy.

Of this celestial triumph, the Home Secretary, the duke of Portland, served as Temporal Deputy. He displayed, in 1800-1, a quite new firmness, not only in handling disturbance, but in overruling and remonstrating with those local authorities who still espoused the old paternalism. In September 1800 a significant episode occurred in Oxford. There had been some affair of setting the price of butter in the market, and cavalry appeared in the town (at the request — as it transpired — of the Vice-Chancellor). The Town Clerk, on the direction of the mayor and magistrates, wrote to the Secretary at War, expressing their “surprise that a military body of horse soldiers should have made their appearance early this morning”:

It is with great pleasure I inform you that the people of Oxford have hitherto shewn no disposition to be riotous except the bringing into the market [of] some hampers of butter and selling it at a shilling a pound and accounting for the money to the owner of the butter be reckoned of that description. . .

“Notwithstanding the extreme pressure of the times”, the City authorities were of “the decided opinion” that there was “no occasion in this City for the presence of a regular Soldiery”, especially since the magistrates were being most active in suppressing “what they conceive to be one of the principal causes of the dearness, the offences of forestalling, ingrossing, and regrating. . .”.

The Town Clerk’s letter was passed over to the duke of Portland, and drew from him a weighty reproof:

His Grace. . . desires you to inform the Mayor and Magistrates, that as his official situation enables him in a more particular manner to appreciate the extent of the publick mischief which must inevitably ensue from a continuance of the riotous proceedings which have taken place in several parts of the Kingdom in consequence of the present

<sup>1</sup>See J. R. Western, “The Volunteer Movement as an Anti-Revolutionary Force, 1793-1801”, *Eng. Hist. Rev.*, lxxi (1956).

scarcity of Provisions, so he considers himself to be more immediately called upon to exercise his own judgement and discretion in directing adequate measures to be taken for the immediate and effectual suppression of such dangerous proceedings. For greatly as His Grace laments the cause of these Riots, nothing is more certain than that they can be productive of no other effect than to increase the evil beyond all power of calculation. His Grace, therefore, cannot allow himself to pass over in silence that part of your letter which states “that the People of Oxford have hitherto shewn no disposition to be riotous, except the bringing into Market some Hampers of Butter, and selling it at a Shilling a pound, and accounting for the money to the Owner of the Butter, can be reckoned of that description”.

So far from considering this circumstance, in the trivial light in which it is represented in your letter (even supposing it to stand unconnected with others of a similar and a still more dangerous nature, which it is to be feared is not the case) His Grace sees it in the view of a violent and unjustifiable attack on property pregnant with the most fatal consequences to the City of Oxford and to it’s Inhabitants of every description; and which His Grace takes it for granted the Mayor and Magistrates must have thought it their bounden duty to suppress and punish by the immediate apprehension and committal of the Offenders.<sup>1</sup>

Throughout 1800 and 1801 the duke of Portland busied himself enforcing the same doctrines. The remedy for disturbance was the military or Volunteers; even liberal subscriptions for cheap corn were to be discouraged, as exhausting stocks; persuasion upon farmers or dealers to lower prices was an offence against political economy. In April 1801 he wrote to Earl Mount Edgumbe,

Your Lordship must excuse the liberty I take in not passing unnoticed the agreement you mention to have been voluntarily entered into by the Farmers in Cornwall to supply the Markets with Corn and other Articles of Provision at reduced Prices. . .

The duke had information that the farmers had been subjected to pressure by the county authorities:

. . . the experience I have. . . calls upon me to say that every undertaking of the kind cannot in the nature of things be justified and must unavoidably and shortly add to and aggravate the distress which it

<sup>1</sup>W. Taunton, 6 Sept. 1800; I. King to Taunton, 7 Sept. 1800: PRO, WO 40/17 and HO 43/12. In private letters Portland exerted himself even more forcefully, writing to Dr Hughes of Jesus College, Oxford (12 Sept.) of the “unjust & injudicious proceedings of your foolish Corporation”: Univ. of Nottingham, Portland MSS, PwV III.



pretends to alleviate, and I will venture also to assert that the more general it could be rendered the more injurious must be the consequences by which it could not fail to be attended because it necessarily prevents the Employment of Capital in the Farming Line. . .<sup>1</sup>

The "nature of things" which had once made imperative, in times of dearth, at least some symbolic solidarity between the rulers and the poor, now dictated solidarity between the rulers and "the Employment of Capital". It is, perhaps, appropriate that it was the ideologist who synthesized an hysteric anti-Jacobinism with the new political economy who signed the death-warrant of that paternalism of which, in his more specious passages of rhetoric, he was the celebrant. "The Labouring *Poor*", exclaimed Burke: "Let compassion be shewn in action",

. . . but let there be no lamentation of their condition. It is no relief to their miserable circumstances; it is only an insult to their miserable understandings. . . Patience, labour, sobriety, frugality, and religion, should be recommended to them; all the rest is downright *fraud*.<sup>2</sup>

Against that tone the notice at Ramsbury was the only possible reply.

## IX

I hope that a somewhat different picture has emerged from this account than the customary one. I have tried to describe, not an involuntary spasm, but a pattern of behaviour of which a Trobriand islander need not have been ashamed.

It is difficult to re-imagine the moral assumptions of another social configuration. It is not easy for us to conceive

<sup>1</sup>Portland, 25 Apr. 1801, PRO, HO 43/13, pp. 24-7. On 4 October 1800 Portland wrote to the Vice-Chancellor of Oxford University (Dr Marlow) as to the dangers of the people "giving way to the notion of their difficulties being imputable to the avarice and rapacity of those, who instead of being denominated Engrossers are correctly speaking the purveyors and provident Stewards of the Public": Univ. of Nottingham, Portland MSS, PwV III.

<sup>2</sup>E. Burke, *Thoughts and Details on Scarcity*, originally presented to the Rt. Hon. William Pitt in . . . November, 1795 (1800), p. 4. Undoubtedly this pamphlet was influential with both Pitt and Portland, and may have contributed to the tougher policies of 1800.

that there may have been a time, within a smaller and more integrated community, when it appeared to be "unnatural" that any man should profit from the necessities of others, and when it was assumed that, in time of dearth, prices of "necessities" should remain at a customary level, even though there might be less all round.

"The economy of the mediaeval borough", wrote R. H. Tawney, "was one in which consumption held somewhat the same primacy in the public mind, as the undisputed arbiter of economic effort, as the nineteenth century attached to profits".<sup>1</sup> These assumptions were under strong challenge, of course, long before the eighteenth century. But too often in our histories we foreshorten the great transitions. We leave forestalling and the doctrine of a fair price in the seventeenth century. We take up the story of the free market economy in the nineteenth. But the death of the old moral economy of provision was as long-drawn-out as the death of paternalist intervention in industry and trade. The consumer defended his old notions of right as stubbornly as (perhaps the same man in another role) he defended his craft status as an artisan.

These notions of right were clearly articulated. They carried for a long time the church's imprimatur. The *Book of Orders* of 1630 envisaged moral precept and example as an integral part of emergency measures:

That all good Means and Perswasions bee used by the Justices in their severall Divisions, and by Admonitions and Exhortations in Sermons in the Churches. . . that the Poore may bee served of Corne at convenient and charitable Prices. And to the furtherance thereof, that the richer Sort bee earnestly mooved by Christian Charitie, to cause their Graine to be sold under the common Prices of the Market to the poorer sort: A deed of mercy, that will doubtlesse be rewarded of Almighty God.

At least one such sermon, delivered at Bodmin and Fowey (Cornwall) before the Sessions in 1630 by the Rev. Charles Fitz-Geffrey, was still known to eighteenth-century readers. Hoarders of corn were denounced as

these Man-haters, opposite to the Common good, as if the world were made onely for them, would appropriate the earth, and the fruits thereof, wholly to themselves. . . As Quailes grow fat with

<sup>1</sup>R. H. Tawney, *Religion and the Rise of Capitalism* (1926), p. 33.



Hemlocke, which is poison to other creatures, so these grow full by Dearth. . .

They were "enemies both to God and man, opposite both to Grace and Nature". As for the dealer, exporting corn in time of scarcity, "the savour of lucre is sweet to him, though raked out of the puddle of the most filthy profession in Europe. . .".<sup>1</sup>

As the seventeenth century drew on, this kind of exhortation became muted, especially among the Puritans. With Baxter one part of moral precept is diluted with one part of casuistry and one part of business prudence: "charity must be exercised as well as justice", and, while goods might be withheld in the expectation of rising prices, this must not be done "to the hurt of the Commonwealth, as if. . . keeping it in be the cause of the dearth".<sup>2</sup> The old moral teaching became, increasingly, divided between the paternalist gentry on one hand, and the rebellious plebs on the other. There is an epitaph in the church at Stoneleigh (Warwickshire) to Humphrey How, the porter to Lady Leigh, who died in 1688:

Here Lyes a Faithful Friend unto the Poore  
Who dealt Large Almes out of his Lord<sup>ps</sup> Store  
Weepe Not Poore People Tho' Y<sup>e</sup> Servat's Dead  
The Lord himselfe Will Give You Dayly Breade  
If Markets Rise Raile Not Against Their Rates  
The Price is Stil the Same at Stone Leigh Gates.<sup>3</sup>

The old precepts resounded throughout the eighteenth century. Occasionally they might still be heard from the pulpit:

Exaction of any kind is base; but this in the Matter of Corn is of the basest Kind. It falls heaviest upon the Poor, It is robbing them because they are so. . . It is murdering *them* outright whom they find half dead, and plundering the wreck'd Vessel. . . These are the Murderers accused by the Son of Sirach, where he saith, *The Bread of the Needy is their Life: he that defraudeth them thereof is a Man of Blood.* . . Justly may

<sup>1</sup>C. Fitz-Geffrey, *God's Blessing upon the Providers of Corne: and God's Curse upon the Hoarders* (1631; reprint 1648), pp. 7, 8, 13.

<sup>2</sup>Tawney, *op. cit.*, p. 222. See also C. Hill, *Society and Puritanism in Pre-Revolutionary England* (1964), esp. pp. 277-8.

<sup>3</sup>I am indebted to Professor David Montgomery for this evidence.

such Oppressors be called '*Men of Blood*'; and surely will the Blood of those, who thus perish by their means, be required at their Hands.<sup>1</sup>

More often they were heard in pamphlet or newspaper:

To keep up the Price of the very Staff of Life at such an extravagant Sale, as that the Poor. . . cannot purchase it, is the greatest Iniquity any Man can be guilty of; it is no less than Murder, nay, the most cruel Murder.<sup>2</sup>

Sometimes in broadsheet and ballad:

Go now you hard-hearted rich men,  
In your miseries, weep and howl,  
Your canker'd gold will rise against you,  
And Witness be against your souls. . .<sup>3</sup>

and frequently in anonymous letters. "Donte make a god of your mony", the gentlemen of Newbury were warned in 1772:

but think of the por you great men do you think of gohing to heaven or hell. think of the Sarmon which preach on 15 of March for dam we if we dont make you do you think to starve the pore quite you dam sons of wors [whores]. . .<sup>4</sup>

"Averishes Woman!", a corn-hoarder in Cornwall was addressed in 1795 by Cornish tinnners: "We are. . . determined to assemble and immediately to march till we come to your Idol, or your God or your Mows [Moses?], whome you esteem as such and pull it down and likewise your House. . .".<sup>5</sup>

Today we shrug off the extortionate mechanisms of an unregulated market economy because it causes most of us only inconvenience, unostentatious hardships. In the eighteenth century this was not the case. Dearth was real dearths. High prices meant swollen bellies and sick children whose food was

<sup>1</sup>Anon. ["A Clergyman in the Country"], *Artificial Dearth: or, the Iniquity and Danger of Withholding Corn* (1756), pp. 20-1.

<sup>2</sup>Letter to *Sherborne Mercury*, 5 Sept. 1757.

<sup>3</sup>"A Serious Call to the Gentlemen Farmers, on the present exorbitant Prices of Provisions", broadside, n.d., in Seligman Collection (Broad-sides — Prices), Columbia Univ.

<sup>4</sup>*London Gazette*, Mar. 1772, no. 11233.

<sup>5</sup>Letter from "Captins Audacious, Fortitude, Presumption and dread not", dated 28 Dec. 1795, "Polgooth and other mines", and addressed to Mrs Herring, *ibid.*, 1796, p. 45.



coarse bread made up from stale flour. No evidence has yet been published to show anything like a classic *crise des subsistances* in England in the eighteenth century:<sup>1</sup> the mortality of 1795 certainly did not approach that in France in the same year. But there was what the gentry described as a distress that was "truly painful": rising prices (wrote one) "have stript the cloaths from their backs, torn the shoes and stockings from their feet, and snatched the food from their mouths".<sup>2</sup> The risings of the Cornish tanners were preceded by harrowing scenes: men fainted at their work and had to be carried home by their fellows in scarcely better state. The dearth was accompanied by an epidemic described as "Yellow Fever", very possibly the jaundice associated with near-starvation.<sup>3</sup> In such a year Wordsworth's "pedlar" wandered among the cottages and saw

The hardships of that season; many rich  
Sank down as in a dream among the poor,  
And of the poor did many cease to be,  
And their place knew them not. . .<sup>4</sup>

But if the market was the point at which working people most often felt their exposure to exploitation, it was also the point — especially in rural or dispersed manufacturing districts — at which they could most easily become organised. Marketing (or "shopping") becomes in mature industrial society increasingly impersonal. In eighteenth-century Britain or France (and in parts of southern Italy or Haiti or rural India or Africa today) the market remained a social as well as an economic nexus. It was the place where one-hundred-and-one social and personal transactions went on; where news was passed, rumour and gossip flew around, politics was (if ever) discussed in the inns or wine-shops round the market-square. The market was the place where the people, because they

<sup>1</sup>This is *not* to argue that such evidence may not be soon forthcoming as to local or regional demographic crisis.

<sup>2</sup>*Annals of Agriculture*, xxiv (1795), p. 159 (evidence from Dunmow, Essex).

<sup>3</sup>Letter of 24 June 1795 in PRO, PC 1/27/A.54; various letters, esp. 29 Mar. 1795, HO 42/34.

<sup>4</sup>W. Wordsworth, *Poetical Works*, ed. E. de Selincourt and Helen Darbishire (Oxford, 1959), v, p. 391.

were numerous, felt for a moment that they were strong.<sup>1</sup>

The confrontations of the market in a "pre-industrial" society are of course more universal than any national experience. And the elementary moral precepts of the "reasonable price" are equally universal. Indeed, one may suggest in Britain the survival of a pagan imagery which reaches to levels more obscure than Christian symbolism. Few folk rituals survived with such vigour to the end of the eighteenth century as all the paraphernalia of the harvest-home, with its charms and suppers, its fairs and festivals. Even in manufacturing areas the year still turned to the rhythm of the seasons and not to that of the banks. Dearth always comes to such communities as a profound psychic shock. When it is accompanied by the knowledge of inequalities, and the suspicion of manipulated scarcity, shock passes into fury.

One is struck, as the new century opens, by the growing symbolism of blood, and by its assimilation to the demand for bread. In Nottingham in 1812 the women paraded with a loaf upon a pole, streaked with red and tied with black crepe, emblematic of "bleeding famine decked in Sackcloth". At Yeovil (Somerset) in 1816 there was an anonymous letter, "Blood and Blood and Blood, a General Revolution their mus be. . .", the letter signed with a crude heart dripping blood. In the East Anglian riots of the same year such phrases as, "We will have blood before dinner". In Plymouth "a Loaf which had been *dipped in blood*, with a heart by it, was found in the streets". In the great Merthyr riots of 1831 a calf was sacrificed and a loaf soaked in its blood, impaled on a flagpole, served as emblem of revolt.<sup>2</sup>

This fury for corn is a curious culmination of the age of agricultural improvement. In the 1790s the gentry themselves were somewhat perplexed. Sometimes crippled by

<sup>1</sup>See Sidney Mintz, "Internal Market Systems as Mechanisms of Social Articulation", *Intermediate Societies, Social Mobility and Communication* (American Ethnological Society, 1959); and the same author's "Peasant Markets", *Scientific American*, cciii (1960), pp. 112-22.

<sup>2</sup>Nottingham — J. F. Sutton, *The Date-book of Nottingham* (Nottingham 1880), p. 286; Yeovil — PRO, HO 42/150; East Anglia — A. J. Peacock, *Bread or Blood* (1965), *passim*; Merthyr — G. A. Williams, "The Insurrection at Merthyr Tydfil in 1831", *Trans. Hon. Soc. of Cymmrodorion*, 2, (Session 1965), pp. 227-8.



an excess of rich food,<sup>1</sup> the magistrates from time to time put aside their industrious compilation of archives for the disciples of Sir Lewis Namier, and peered down from their parklands at the corn-fields in which their labourers hungered. (More than one magistrate wrote in to the Home Office, at this critical juncture, describing the measures which he would take against the rioters if only he were not confined to his house by gout.) The country will not be secure at harvest, wrote the Lord Lieutenant of Cambridgeshire, "without some soldiers, as he had heard that the People intended to help themselves when the Corn was ripe". He found this "a very serious apprehension indeed" and "in this open country most likely to be effected, at least by stealth".<sup>2</sup>

"Thou shalt not muzzle the ox that treadeth out the corn." The breakthrough of the new political economy of the free market was also the breakdown of the old moral economy of provision. After the wars all that was left of it was charity — and Speenhamland. The moral economy of the crowd took longer to die: it is picked up by the early co-operative flour mills, by some Owenite socialists, and it lingered on for years somewhere in the bowels of the Co-operative Wholesale Society. One symptom of its final demise is that we have been able to accept for so long an abbreviated and "economistic" picture of the food riot, as a direct, spasmodic, irrational response to hunger — a picture which is itself a product of a political economy which diminished human reciprocities to the wages-nexus. More generous, but also more authoritative, was the assessment of the sheriff of Gloucestershire in 1766. The mobs of that year (he wrote) had committed many acts of violence,

some of wantonness and excess; and in other instances some acts of courage, prudence, justice, and a consistency towards that which they profess to obtain.<sup>3</sup>

<sup>1</sup>In 1795, when subsidised brown bread was being given to the poor of his own parish, Parson Woodforde did not flinch before his continuing duty to his own dinner: March 6th, "... for Dinner a Couple of boiled Chicken and Pigs Face, very good Peas Soup, a boiled Rump of Beef very fine, a prodigious fine, large and very fat Cock-Turkey roasted, Maccaroni, Batter Custard Pudding", etc.: James Woodforde, *Diary of a Country Parson*, ed. J. Beresford (World's Classics, 1963), pp. 483, 485.

<sup>2</sup>Lord Hardwicke, 27 July 1795, PRO, HO 42/35.

<sup>3</sup>W. Dalloway, 20 Sept. 1766, PRO, PC 1/8/41.

## Chapter Five

# *The Moral Economy Reviewed*

## I

The foregoing chapter was first published as an article in *Past and Present* in 1971. I have republished it without revision. I see no reason to retreat from its findings. And it has now entered into the stream of subsequent historical scholarship — it has been criticised and extensions of its theses have been proposed. It would confuse the record if I were to alter a text upon which commentary depends.

But some comment on my commentators is required. And also upon significant work which approaches the same problems, with little or no reference to my own. This is not a simple matter. For the "market" turns out to be a junction-point between social, economic and intellectual histories, and a sensitive metaphor for many kinds of exchange. The "moral economy" leads us not into a single argument but into a concourse of arguments, and it will not be possible to do justice to every voice.

A word first about my essay. Although first published in 1971 I commenced work on it in 1963 while awaiting proofs of *The Making of the English Working Class*. The project started then, for a joint study of British and French grain riots in the 1790s, in collaboration with Richard Cobb whose fine *Terreur et Subsistances, 1793-1795* came out in 1964. He was then in Leeds and I was in Halifax and Gwyn A. Williams (then in Aberystwyth) was also enlisted as a collaborator in the project. I don't remember how or when the project fell through, except that each member of the triumvirate moved in a different direction, Richard Cobb to Oxford, Gwyn Williams to York and myself to the University



of Warwick. By 1970, when Cobb published his *The Police and the People*, our plan had certainly been dropped. There need be no regret for the failure of my part in that project to come to a conclusion, since Roger Wells has now explored every aspect of food and its mediations in England in the 1790s in copious detail in his *Wretched Faces* (1988).

But this explanation serves to place my essay, which was an enterprise not marginal but central to my research interests for nearly ten years. My files bulge with material collected on mills and marketing and meal mobs, etc., but since much of this repeats the evidence adduced in my article, it need not now be deployed. But a lot of work underlay my findings, and I may be forgiven if I am impatient with trivial objections.

## II

It may be necessary to restate what my essay was about. It was not about *all* kinds of crowd, and a reader would have to be unusually thick-headed who supposed so.<sup>1</sup> It was about the crowd's "moral economy" in a context which the article defines. Nor was it about English and Welsh food riots in the eighteenth century — their where, why and when? — although it was certainly concerned with these. My object of analysis was the *mentalité*, or, as I would prefer, the political culture, the expectations, traditions, and, indeed, superstitions of the working population most frequently involved in actions in the market; and the relations — sometimes negotiations — between crowd and rulers which go under the unsatisfactory term of "riot". My method was to reconstruct a paternalist model of food marketing, with protective institutional expression and with emergency

<sup>1</sup>Mark Harrison reprimands me for applying the term "crowd" to what was "a very specific category of mass formation": *Crowds and History: Mass Phenomena in English Towns, 1790-1835* (Cambridge, 1988), p. 13. I followed George Rudé and Eric Hobsbawm in preferring the term "crowd" to the pejorative "mob" which some previous historians had used. No-one ever supposed that all crowds were riotous, although Harrison's attention to their variety is helpful. Harrison also pronounces that my article "has a number of shortcomings, which will be examined more fully in chapter 6". Since chapter 6 does not mention my article, and the shortcomings are identified nowhere else in his book, I am still waiting for the blow to fall.

routines in time of dearth, which derived in part from earlier Edwardian and Tudor policies of provision and market-regulation; to contrast this with the new political economy of the free market in grain, associated above all with *The Wealth of Nations*; and to show how, in times of high prices and of hardship, the crowd might enforce, with a robust direct action, protective market-control and the regulation of prices, sometimes claiming a legitimacy derived from the paternalist model.

To understand the actions of any particular crowd may require attention to particular market-places and particular practices in dealing. But to understand the "political" space in which the crowd might act and might negotiate with the authorities must attend upon a larger analysis of the relations between the two. The findings in "The Moral Economy" cannot be taken straight across to any "peasant market" nor to all proto-industrial market-places nor to Revolutionary France in the Years II and II nor to nineteenth-century Madras. Some of the encounters between growers, dealers and consumers were markedly similar, but I have described them as they were worked out within the given field-of-force of eighteenth-century English relations.

My essay did not offer a comprehensive overview of food riots in England in that century; it did not (for example) correlate the incidence of riots with price movements, nor explain why riot was more common in some regions than in others, nor attempt to chart a dozen other variables. Abundant new evidence on such questions has been brought forward in recent years, and much of it has been helpfully brought under examination in Andrew Charlesworth's *An Atlas of Rural Protest in Britain, 1548-1900* (1983). Dr John Stevenson complains that "The Moral Economy" tells us "virtually nothing about why some places were almost perennially subject to disturbances, whilst others remained almost completely undisturbed",<sup>1</sup> but this was not the

<sup>1</sup>J. Stevenson, "Food Riots in England, 1792-1818", in R. Quinault and J. Stevenson (eds.), *Popular Protest and Public Order* (London, 1974), p. 67. Also J. Stevenson, "The 'Moral Economy' of the English Crowd: Myth and Reality", in Anthony Fletcher and J. Stevenson (eds.), *Order and Disorder in Early Modern England* (Cambridge, 1985) — an essay which adds little to the discussion.



essay's theme. Nor is there any sense in which the findings of scholars (such as Dr Stevenson) who have been addressing such themes must necessarily contradict or compete with my own. Economic and social historians are not engaged in rival party-political performances, although one might sometimes suppose so. The study of wages and prices and the study of norms and expectations can complement each other.

There are still a few ineducable positivists lingering about who do not so much disagree with the findings of social historians as they wish to disallow their questions. They propose that only one set of directly economic explanations of food riots — questions relating to the grain trade, harvests, market prices, etc., is needed or is even proper to be asked. An odd example is a short essay published by Dale Williams in 1976 entitled "Were 'Hunger' Rioters Really Hungry?"<sup>1</sup> In this he described my "moral economy" as intended as "a replacement" for an economic or quantitative approach. He had somehow got it into his head that riots must *either* be about hunger *or* about "social issues involving local usages and traditional rights". But it will be recalled that I warn against precisely this confusion at the outset of my essay, using the analogy of a sexual tension chart: "the objection is that such a chart, if used unwisely, may conclude investigation at the exact point at which it becomes of serious sociological or cultural interest: being hungry (or being sexy), what do people do?" (p. 187). *Of course* food rioters were hungry — and on occasion coming close to starvation. But this does not tell us how their behaviour is "modified by custom, culture and reason".

Nevertheless, this illustrates one point which we take far too easily for granted. Comparative study of food riots has been, inevitably, into the history of nations which *had* riots. There has been less comparative reflection upon national histories which afford evidence — and sometimes evidence sadly plentiful — of dearth passing into famine without passing through any phase in which riots of the West-European kind have been noted. Famines have been suffered in the past (as in Ireland and in India) and are suffered today

in several parts of Africa, as our television screens reveal, with a fatalism sometimes mistaken for apathy or resignation. It is not only that beyond a certain point the undernourished have no physical or emotional resources for riot. (For this reason riot must take place *before* people are so weakened, and it may presuppose a watchful estimate of future supply and of market prices.) It is also that riot is a group, community, or class response to crisis; it is not within the power of a few individuals to riot. Nor need it be the only or the most obvious form of collective action — there may be alternatives such as the mass-petitioning of the authorities, fast days, sacrifices and prayer; perambulation of the houses of the rich; or the migration of whole villages.

Riot need not be favoured within the culture of the poor. It might provoke the gods (who had already sent dearth as a "Judgement"), and it could certainly alienate the governors or the rich from whom alone some small relief might come. An oncoming harvest failure would be watched with fear and awe. "Hunger employs its own outriders. Those who have already experienced it can see it announced, not only in the sky, but in the fields, scrutinized each year with increasing anxiety, week by week during the hot summer months. . ."<sup>1</sup> In the eighteenth century Britain was only emerging from the "demographic *ancien régime*", with its periodical visitations of famine and of plague, and dearth revived age-old memories and fears. Famine could place the whole social order on the rack, and the rulers were tested by their response to it. Indeed, by visible and well-advertised exertions the rulers might actually strengthen their authority during dearth, as John Walter and Keith Wrightson have argued from seventeenth-century examples. Central government, by issuing proclamations, invoking the successive regulations which became known as the *Book of Orders*, and proclaiming national days of fast, and the local authorities by a flurry of highly-visible activity against petty offenders ranging from badgers, forestallers and regrators to drunkards, swearers, sabbath-breakers, gamblers and rogues, might actually gain

<sup>1</sup> *Past and Present*, no. 71, May 1976.

<sup>1</sup> R. C. Cobb, *The Police and the People* (Oxford, 1970), p. 323. For a comparative overview, see David Arnold, *Famine: Social Crisis and Historical Change* (Oxford, 1988).



credibility among that part of the population persuaded that dearth was a judgement of God.<sup>1</sup> At the least, the authorities made a public display of their concern. At the best, they might restrain rising prices or persuade farmers to release stocks to the open market.

Riot may even be a signal that the *ancien régime* is ending, since there is food in barns or granaries or barges to be seized or to be got to market, and some bargaining to be done about its price. True famine (where there really is no stock of food) is not often attended with riot, since there are few rational targets for the rioters. In the pastoral North-West of England as late as the 1590s and 1620s the population appears to have suffered from famine mortality. But "the poor. . . starved to death quietly, & created no problems of order for their governors".<sup>2</sup> In the Irish famine of 1845-7 there were a few anti-export riots in the early stages,<sup>3</sup> but the Irish people could be congratulated in the Queen's speech in 1847 for having suffered with "patience and resignation". Riot is

<sup>1</sup> John Walter and Keith Wrightson, "Dearth and the Social Order in Early Modern England", *Past and Present*, 71 (1976). See also (for a sharper assertion of authority) John Walter, "Grain Riots and Popular Attitudes to the Law: Maldon and the Crisis of 1629" in John Brewer and John Styles (eds.), *An Ungovernable People* (1980). For the *Book of Orders*, see A. Everitt, "The Marketing of Agricultural Produce", in J. Thirsk (ed.), *The Agrarian History of England and Wales*, vol. iv, 1500-1640 (Cambridge, 1967), pp. 581-6; P. Slack, "The Book of Orders: The Making of English Social Policy, 1577-1631", *TRHS*, xxx (1980); R. B. Outhwaite, "Food Crisis in Early Modern England: Patterns of Public Response", *Proceedings of the Seventh International Economic History Congress* (Edinburgh, 1978), pp. 367-74; R. B. Outhwaite, "Dearth and Government Intervention in English Grain Markets, 1590-1700", *Econ. Hist. Rev.*, xxxiii, 3 (1981); and Buchanan Sharp, "Popular Protest in 17th-Century England", in Barry Reay (ed.), *Popular Culture in 17th-Century England* (1985), esp. pp. 274-289. Sharp argues (p. 279) that seventeenth century food riots "were often attempts to enforce officially-sanctioned market regulations and can be regarded, in many instances, not as attacks upon established order but as efforts to reinforce it".

<sup>2</sup> Sharp, *op. cit.*, p. 275; A. B. Appleby, in the classic account of famine mortality in Cumberland and Westmorland in the late sixteenth and early seventeenth centuries, reports no disturbances: see *Famine in Tudor and Stuart England* (Liverpool, 1978).

<sup>3</sup> Cecil Woodham Smith, *The Great Hunger* (1970), pp. 120-1; James S. Donnelly, Jr., *The Land and the People of Nineteenth-Century Cork* (1975), pp. 89-91.

usually a rational response, and it takes place, not among helpless or hopeless people, but among those groups who sense that they have a little power to help themselves, as prices soar, employment fails, and they can see their staple food supply being exported from the district.

The passivity of the victims of famine is noted also in Asia. Under the *ancien régime* of famine in the East (as in the terrible Orissa famine of 1770) districts were depopulated by deaths and fugitives. The ryots fled the land to which they were tied. "Day and night a torrent of famished and disease-stricken wretches poured into the great cities." Those who stayed on the land

Sold their cattle; they sold their implements of agriculture; they devoured their seed-grain; they sold their sons and daughters, till at length no buyer of children could be found; they ate the leaves of the trees and the grass of the field. . .

But they did not (in the sense that we have been using) riot. Nor did they riot in the Bengal famine of 1866, when "many a rural household starved slowly to death without uttering a complaint or making a sign", just as there are tales of the West of Ireland in 1847 where whole families walled themselves up in their cabins to die.<sup>1</sup>

In the Bengal famine of 1873-4, the people turned to government as the only possible provider. Over 400,000 settled down along the lines of relief roads, pleading for relief and work: "they dreaded quitting the road, which they imagined to be the only place where subsistence could be obtained". At one place the line of carts bringing in the famine-struck from the villages stretched for twenty miles. At first there was screaming from the women and children, and begging for coin or grain. Later, the people were "seated on the ground, row after row, thousand upon thousand, in silence. . .".<sup>2</sup>

<sup>1</sup> W. H. Hunter, *The Annals of Rural Bengal* (1883), i, pp. 26-27. Many of the poor in the western counties of Ireland were overcome by fever in their own homes: see Sir W. P. MacArthur, "Medical History of the Famine", in R. D. Edwards and T. D. Williams (eds.), *The Great Famine* (Dublin, 1956), esp. pp. 270-89.

<sup>2</sup> Sir Richard Temple, Lieutenant-Governor of Bengal, memorandum on the scarcity of 1873-4, *Extra Supplement of the Gazette of India*, 26 Feb. 1875, pp. 25, 56-7.



There is not one simple, "animal", response to hunger. Even in Bengal the evidence is contradictory and difficult to interpret. There is some evidence of the male heads of household abandoning their families (below p. 347), and other accounts of intense familial solidarities and of self-abnegation. A relief worker in rural Bengal in 1915 gives us a common story:

At noon I sat down at the foot of a tree to eat my bit of lunch. . . The people spotted me and long before I had finished there was a crowd of starving people around me. I did not finish it. I had a loaf of bread with me and. . . I gave the rest to the children. One little chap took his share and immediately broke it up into four pieces for his mother, two sisters and himself, leaving by far the smallest portion for himself.<sup>1</sup>

This is a learned response to hunger, which even the small children know. Begging, in which the children again are assigned their roles, is another learned response, or strategy. So also may be threats to the wealthy, or the theft of food-stuffs.<sup>2</sup>

"Riot" — itself a clumsy term which may conceal more than it reveals — is not a "natural" or "obvious" response to hunger but a sophisticated pattern of collective behaviour, a collective alternative to individualistic and familial strategies of survival. Of course hunger rioters were hungry, but hunger does not dictate that they must riot nor does it determine riot's forms.

In 1984 Dale E. Williams launched a direct assault on "The Moral Economy" in an article in *Past and Present* under the title "Morals, Markets and the English Crowd in 1766".<sup>3</sup> The article draws a little upon his own substantial doctoral thesis on "English Hunger Riots in 1766" presented in 1978. But its intent is mainly polemical, and it is tedious to find that, after nearly two decades, one is invited to return to square one and to argue everything through again.

Andrew Charlesworth and Adrian Randall have been kind enough to correct the record and to point out Williams's

<sup>1</sup> J. Mitchell, *Bankura Wesleyan College Magazine*, January 1916.

<sup>2</sup> Much curious and contradictory evidence as to responses to famine is in Robert Dirks, "Social Response during Severe Food Shortages and Famines", *Current Anthropology*, xxi (1980), pp. 21-44.

<sup>3</sup> *Past and Present*, 104 (1984).

self-contradictions.<sup>1</sup> To their critique I will only add that several of his sallies appear to be directed against his own findings in his doctoral thesis. So far from refuting my account of norms and behaviour, the crowds in Williams's thesis conform to the account in "The Moral Economy". Given high prices and the advance signals of dearth, the West of England clothing workers inhibited further exports of grain from the district, regulated markets with unusual discipline, forcibly persuaded farmers to send supplies to market, made certain of the authorities — including Mr Dalloway, the High Sheriff of Gloucestershire — for a time the "prisoners" of their demands, stimulated local measures of charity and relief, and (if I read Dr Williams aright) may have prevented dearth from passing into famine. And if Dale Williams wants examples of the crowd being informed by concern for "local usages and traditional rights" he need only turn to Dale Williams's thesis where he will find sufficient examples, such as the crowd punishing millers by destroying their bolting machinery, as well as an Appendix of anonymous letters full of threats against broggers, fore-stallers, regrators, corn hoarders, sample sales, and the rest.<sup>2</sup>

Dr Williams has brought no issues of principle into debate, he is simply confused as to the questions which he is asking. There may also be a little ideological pressure behind his polemic. When I first published "The Moral Economy", "the market" was not flying as high in the ideological firmament as it is today. In the 1970s something called "modernisation theory" swept through some undefended minds in Western academies, and subsequently the celebration of "the market economy" has become triumphal and almost universal. This renewed confidence in "the market" can be found in

<sup>1</sup> A. Charlesworth and Adrian Randall, "Morals, Markets and the English Crowd in 1766", *Past and Present*, 114 (1987), pp. 200-13. On the 1766 riots see also A. J. Randall, "The Gloucestershire Food Riots in 1766", *Midland History*, x (1985); W. J. Shelton, *English Hunger & Industrial Disorder* (1973), and reviews of Shelton by myself in *Econ. Hist. Rev.*, 2nd series, xxvii (1974), pp. 480-4 and by Peter Linebaugh in *Bull. Soc. Lab. Hist.*, 28 (1974), pp. 57-61.

<sup>2</sup> Univ. of Wales Ph.D. thesis, 1978. Dale Williams's excellent article on "Midland Hunger Riots in 1766" in *Midland History*, iii, 4 (1976), might even have been written in illustration of the moral economy thesis. What happened between 1976 and 1984 to change the events of 1766?



Dr Williams's article, where I am rebuked for failing to pay "sufficient attention to the *systems* which produce wealth". "The riot groups of 1766 were. . . all participants in a capitalist market system which, by the 1760s, was developed to a pitch of refinement unmatched elsewhere in the world." "The Moral Economy" has become suspect because it explored with sympathy alternative economic imperatives to those of the capitalist market "system". . . and offered one or two sceptical comments as to the infallibility of Adam Smith.

Similar questions worried more courteous critics shortly after "The Moral Economy" was published: Professors A. W. Coats and Elizabeth Fox-Genovese. I did not reply to either comment, since the arrows flew past my ear. Professor Coats<sup>1</sup> devoted his comment to rehearsing Smithian doctrine on the internal trade in grain, in terms of its logical consistency (but without recourse to empirical confirmation), and he repeated uncritically the statement that "high prices resulted mainly from physical shortages", as if this explanation of price movements suffices for all cases. But, as we shall see (pp. 283-7), it does not. Then Coats debated my notion as to the "de-moralizing of the theory of trade and consumption" implicit in the model of the new political economy. What I say (above, pp. 201-2) is this:

By 'de-moralising' it is not suggested that Smith and his colleagues were immoral or were unconcerned for the public good. It is meant, rather, that the new political economy was disinfested of intrusive moral imperatives. The old pamphleteers were moralists first and economists second. In the new economic theory questions as to the moral polity of marketing do not enter, unless as preamble and peroration.

Coats takes this to imply an acceptance on my part of the credentials of "positive" economics, as a science purged of norms, and he reminds me of the "moral background and implications of Smith's economic analysis". But I had not forgotten that Smith was also author of the *Theory of Moral Sentiments* (1759). I had supposed that Coats's point had been met in a footnote (above p. 202) in which I had allowed Smith's intention to serve the public good but had added that "intention is a bad measure of ideological interest and of

<sup>1</sup>A. W. Coats, "Contrary Moralities: Plebs, Paternalists and Political Economists", *Past and Present*, 54 (1972), pp. 130-3.

historical consequences". It is perfectly possible that *laissez-faire* doctrines as to the food trade could have been *both* normative in intent (i.e. Adam Smith believed they would encourage cheap and abundant food) *and* ideological in outcome (i.e. in the result their supposedly de-moralised scientism was used to mask and to apologise for other self-interested operations).

I would have thought that my views were commonplace. The Tudor policies of "provision" cannot be seen, in a modern sense, as an "economic" strategy only: they depended also on theories of the State, of the reciprocal obligations and duties of governors and governed in times of dearth, and of paternalist social control; they still, in the early seventeenth century, had strong religious or magical components. In the period 1700-1760, with the dominance of mercantilist theory, we are in a kind of middle passage of theory. The magical components of the Tudor theory became much weaker. And the social location of the theory became more ambiguous; while some traditionalist gentry and magistrates invoked it in times of dearth, the authority of the theory was fast eroding as any acceptable account of normal marketing practice. The paternal obligations of "provision" were at odds with the mercantilist imperative to maximise the export of grain. At the same time there was a certain migration of the theory from the rulers to the crowd.

Nevertheless, the form of much economic argument remained (on all sides) moralistic: it validated itself at most points with reference to moral imperatives (what obligations the state, or the landowners, or the dealers *ought* to obey). Such imperatives permeated economic thinking very generally, and this is familiar to any student of economic thought. One historian has written that

Economic theory owes its present development to the fact that some men, in thinking of economic phenomena, forcefully suspended all judgments of theology, morality, and justice, were willing to consider the economy as nothing more than an intricate mechanism, refraining for the while from asking whether the mechanism worked for good or evil.<sup>1</sup>

<sup>1</sup>W. J. Letwin, *The Origins of Scientific Economics* (1963), pp. 147-8. See however Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton, 1978), pp. 258-9 for qualifications.



Joyce Appleby has shown the moral economy "in retreat" in the mid-seventeenth century, but the tension between norms and "mechanism" once again became marked in the eighteenth. A *locus classicus* is the scandal provoked by Mandeville's *Fable of the Bees*, which, by its equation private vices = public benefits, sought exactly to divorce moral imperatives on the one hand and economic process on the other. This was felt by some to be an outrage to official morality; by demystifying economic process it would strip authority of its paternal legitimacy; and the book was presented, in 1723, by the Grand Jury of Middlesex as a public nuisance.

Thus the notion of "economics" as a non-normative object of study, with objective mechanism independent of moral imperatives, was separating itself off from traditionalist theory during the mercantilist period, and with great difficulty: in some areas it did this with less difficulty (national book-keeping, arguments about trade and bullion), but in areas which related to internal distribution of the prime necessities of life the difficulties were immense. For if the rulers were to deny their own duties and functions in protecting the poor in time of dearth, then they might devalue the legitimacy of their rule. So tenaciously and strongly was this view held that as late as 1800 the Lord Chief Justice, Lord Kenyon, pronounced that the fact that forestalling remained an offence at Common Law "is a thing most essential to the existence of the country". "When the people knew there was a law to resort to, it composed their minds" and removed the threat of "insurrection".<sup>1</sup> This is an argument, not from economics and not even from law, but from the highest reasons of State.

The "morality" of Adam Smith was never the matter at issue, but — in relation to the internal trade in grain — the terms and the vocabulary, indeed the problematic of that argument. "The market economy created new moral problems", Professor Atiyah has written, and "it may not have been so obvious then, as it became later, that this was not so much to separate morality and economics, as to adopt

<sup>1</sup>Douglas Hay, "The State and the Market: Lord Kenyon and Mr. Waddington", *Past and Present* (forthcoming).

a particular type of morality in the interests of a particular type of economy".<sup>1</sup> Perhaps I might have made it more clear that "preamble and peroration" had real significance in the intentions of the classical political economists: these were something more than rhetorical devices. Professor Coats's reminder that Smithian economics "were securely grounded in the liberal-moral philosophy of the eighteenth-century enlightenment" has in recent years become a centre for intense academic interest and we will return to it.

Maybe the trouble lies with the word "moral". "Moral" is a signal which brings on a rush of polemical blood to the academic head. Nothing has made my critics angrier than the notion that a food rioter might have been more "moral" than a disciple of Dr Adam Smith. But that was not my meaning (whatever the judgement might have been in the eye of God). I was discriminating between two different sets of assumptions, two differing discourses, and the evidence for the difference is abundant. I wrote of "a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community, which, taken together, can be said to constitute the moral economy of the poor" (above p. 188). To this were added a dense tissue of precedents and of practices in the sequence of food marketing. I could perhaps have called this "a socio-logical economy", and an economy in its original meaning (*oeconomy*) as the due organisation of a household, in which each part is related to the whole and each member acknowledges her/his several duties and obligations. That, indeed, is as much, or more, "political" than is "political economy", but by usage the classical economists have carried off the term.

Elizabeth Fox-Genovese's arrow flies past my ear for much the same reason.<sup>2</sup> She finds that both traditional and classical economics can be said to be "moral" (at least in their own self-image) and also that both were "part of larger ruling class ideologies". There is not much here that conflicts with,

<sup>1</sup>P. S. Atiyah, *The Rise and Fall of Freedom of Contract* (Oxford, 1979), p. 84.

<sup>2</sup>Elizabeth Fox-Genovese, "The Many Faces of Moral Economy", *Past and Present*, 58 (1973).



or even engages with, my arguments, and perhaps Fox-Genovese's real difference of emphasis lies in her feeling that I "lean towards a romantic view of the traditionalists". My tendency "to favour the paternalists" leads me to overlook that "if the rise of a market society brought indisputable horrors, it also brought an emphasis on individual freedom of choice, the right to self-betterment, eventually the opportunity to political participation".

That is also what we are assured — or used to be assured — by the modernisation theorists. And *of course* the rioters were already deeply involved, in some part of their lives, in a market economy's exchanges of labour, services, and of goods. (I will refrain from mentioning those critics who have put up the fat-headed notion that there has been proposed an absolute segregation between a moral and a market economy, to save their blushes.<sup>1</sup>) But before we go on to consider all these undoubted human goods we should delay with the market as dispenser of subsistence in time of dearth, which alone is relevant to my theme. For despite all the discourse that goes on about "the market" or "market relations", historiographical interest in the actual marketing of grain, flour or bread is little more evident today than it was in 1971.<sup>2</sup>

<sup>1</sup>One is reminded of David Thorner's wise caveat: "We are sure to go astray, if we try to conceive of peasant economies as exclusively 'subsistence' oriented and to suspect capitalism wherever the peasants show evidence of being 'market' oriented. It is much sounder to take it for granted, as a starting point, that for ages peasant economies have had a double orientation towards both. In this way, much fruitless discussion about the nature of so-called 'subsistence' economies can be avoided". Would that the same warning was borne in mind in discussions of "proto-industrial" economies! See "Peasant Economy as a Category in History", in Teodor Shanin (ed.), *Peasants and Peasant Societies*, 2nd ed. (Oxford, 1987), p. 65.

<sup>2</sup>The outstanding exception is Wendy Thwaites, "The Marketing of Agricultural Produce in Eighteenth Century Oxfordshire" (Univ. of Birmingham Ph.D. thesis, 1980). See also the same author's "Dearth and the Marketing of Agricultural Produce: Oxfordshire, c. 1750-1800", *Agric. Hist. Rev.*, xxxiii (1985), pt. ii; John Chartres, "Markets and Marketing in Metropolitan Western England in the late Seventeenth and Eighteenth Centuries", in Michael Havinden (ed.), *Husbandry and Marketing in the South-West* (Exeter, 1973), pp. 63-74, and John Chartres, "The Marketing of Agricultural Produce", in Joan Thirsk (ed.), *The Agrarian History of England and Wales*, vol. v, pt. 2 (Cambridge, 1985), ch. 17. The silence as

Is market *a* market or is market a metaphor? Of course it can be both, but too often discourse about "the market" conveys the sense of something definite — a space or institution of exchange (perhaps London's Corn Exchange at Mark Lane?) — when in fact, sometimes unknown to the term's user, it is being employed as a metaphor of economic process, or an idealisation or abstraction from that process. Perhaps to acknowledge this second usage, Burke sometimes employed the word without the definite article:

Market is the meeting and conference of the *consumer* and *producer*, when they mutually discover each other's wants. Nobody, I believe, has observed with any reflection what market is, without being astonished at the truth, the correctness, the civility, the general equity, with which the balance of wants is settled. . . . The moment that government appears at market, all the principles of market will be subverted.<sup>1</sup>

That is loop-language: it is wholly self-fulfilling. And much the same feedback loop-language is being used today in the higher theorising of market relations. Political economy has its sophisticated intellectual genealogies, and the history of political economy is a vigorous academic discourse with its own journals and its controversies and conferences, in which changes are rung on approved themes: Pufendorf, Virtue, natural law, Pocock, Grotius, the Physiocrats, Pocock, Adam Smith. These chimes have fascination, and for the bell-ringers it is an admirable mental exercise, but the peal can become so compelling that it drowns out other sounds. Intellectual history, like economic history before it, becomes imperialist and seeks to over-run all social life. It is necessary to pause, from time to time, to recall that how people thought their times need not have been the same as how those times eventuated. And how some people thought "market" does not prove that market took place in that way. Because Adam Smith offered "a clear analytical demonstration of

to corn milling has at last broken by John Orbell, "The Corn Milling Industry, 1750-1820", in C. H. Feinstein and S. Pollard (eds.), *Studies in Capital Formation in the United Kingdom* (Oxford, 1988), which shows (p. 162) the rapidly rising rate of annual capital investment in milling, from 1761 rising to a peak in the dearth (and riot) year of 1801.

<sup>1</sup>Edmund Burke, "Thoughts and Details on Scarcity" (1795), in *Works* (1801), vii, pp. 348-51.



how markets in subsistence goods and labour could balance themselves out in a manner consistent with strict justice and the natural law of humanity"<sup>1</sup> this does not show that any empirically observable market worked out in that way. Nor does it tell us how strict justice to the rights of property could balance with natural humanity to labouring people.

Messrs Hont and Ignatieff, in the course of a prestigious research project into "Political Economy and Society, 1750-1850" at King's College, Cambridge, have fallen across my "Moral Economy" article and they rebuke it for failing to conform to the parameters of Cambridge political thought:

By recovering the moral economy of the poor and the regulatory system to which they made appeal, Thompson has set the iconoclasm of the Smithian position in sharp relief, crediting him with the first theory to revoke the traditional social responsibility attached to property. Yet the antinomy — moral economy versus political economy — caricatures both positions. The one becomes a vestigial, traditional moralism, the other a science 'disinfested of intrusive moral imperatives'. To the extent that favouring an adequate subsistence for the poor can be called a moral imperative, it was one shared by paternalists and political economists alike. . . . On the other hand, to call the moral economy traditionalist is to portray it simply as a set of vestigial moral preferences innocent of substantive argument about the working of markets. In fact, so-called traditionalists were quite capable of arguing their position on the same terrain as their political economist opponents. Indeed, and this is the crucial point, debate over market or 'police' strategies for providing subsistence for the poor divided philosophers and political economists among themselves no less deeply than it divided the crowd for Smith. Indeed, it makes no sense to take Smith as typical of the range of opinion within the European Enlightenment camp. This becomes apparent if one moves beyond the English context, to which Thompson confines his discussion, and considers the debate in its full European setting. The crucial context for Smith's 'Digression on Grain' was not the encounter with the English or Scottish crowd, but the French debates over the liberalization of the internal trade in 1764-6, which occurred. . . . when Smith himself was in France.<sup>2</sup>

There are some wilful confusions here. The first point to make about this passage is that, just as much as with the ineducable positivists, it is not so much offering to debate my

<sup>1</sup> Istvan Hont and Michael Ignatieff, "Needs and Justice in *The Wealth of Nations*", in I. Hont and M. Ignatieff (eds.), *Wealth and Virtue* (Cambridge, 1983), p. 43.

<sup>2</sup> *Ibid.*, pp. 14-15.

views as to disallow my questions. Hont and Ignatieff prefer to operate in a detached discipline of political ideas and rhetoric. They do not wish to know how ideas presented themselves as actors in the market-place, between producers, middlemen and consumers, and they imply that this is an improper light in which to view them. It may be "the crucial point" for Hont and Ignatieff that debate over market strategies divided philosophers among themselves no less deeply than it divided the crowd from Smith, but my essay is about the crowd and not about philosophers. Hont and Ignatieff are rebuking me for writing an essay in social history and in popular culture instead of in approved Cambridge themes. I ought to have grabbed a bell-rope and pealed out Quesnay along with Pufendorf, Pocock, Grotius, Hume and the rest.

Even so, Hont and Ignatieff's censures are sloppier than the case calls for. So far from "crediting" Adam Smith "with the first theory to revoke the traditional social responsibility attached to property" (their words, not mine) I am at pains to note the opposite, describing the *Wealth of Nations* "not only as a point of departure but also as a grand central terminus to which many important lines of discussion in the middle of the eighteenth century. . . all run". (Above p. 201.) It is in fact Hont and Ignatieff, and not Thompson, who write that "by 1776, Smith remained the only standard-bearer for 'natural liberty' in grain",<sup>1</sup> a spectacular misstatement which they reach by confusing the British context with the French context in the aftermath of the *guerre des farines*. As for portraying the "moral economy" as "a set of vestigial moral preferences innocent of substantive argument about the working of markets", the trouble is, once again, the vulgarity of the crowd. They were not philosophers. They did, as my essay shows, have substantive and knowledgeable arguments about the working of markets, but about actual markets rather than theorised market relations. I am not persuaded that Hont and Ignatieff have read very far in the pamphlets and newspapers — let alone in the crowd relations — where these arguments will be found and I do not know what business they have to put me, or the crowd, down.

<sup>1</sup> *Ibid.*, p. 18.



I did not, of course, take Smith as "typical of the range of opinion within the European Enlightenment camp". I took Smith's "Digression Concerning the Corn Trade" in Book Four, Chapter 5, of *The Wealth of Nations* as being the most lucid expression in English of the standpoint of the new political economy upon market relations in subsistence food-stuffs. As such it was profoundly influential within British governmental circles, and few chapters can have had a more palpable influence upon policies or have been used more extensively to justify policies which were already being enacted. Pitt and Grenville read it together in the 1780s and became wholly converted; when Pitt wavered in the crisis year 1800 Grenville called him back to their old faith.<sup>1</sup> Burke was an ardent adherent and had reached similar positions independently; he had been, in 1772, a prime mover in the repeal of the ancient forestalling legislation, and he was to moralise the "laws" of political economy and nominate them to be divine.<sup>2</sup> In the nineteenth century class after class of administrators were sent out to India, fully indoctrinated at Haileybury College in Smith's "Digression", and ready to respond to the vast exigencies of Indian famine by resolutely resisting any improper interventions in the free operation of the market. T. R. Malthus, appointed Professor of Political Economy at Haileybury in 1805, was an early and apt instructor.

Hont and Ignatieff know that "the crucial context" for Smith's digression "was not the encounter with the English or Scottish crowd, but the French debates over the liberalization of the internal trade in 1764-6". I wonder how they know? A French philosophic influence is more reputable than an English or Scottish crowd, and of course Adam Smith was profoundly influenced by physiocratic thought. The influence of "the French debates" may be guessed at, but is not evident in the few pages of Smith's digression. The debate about the liberalisation of trade had proceeded in England

<sup>1</sup>See Roger Wells, *Wretched Faces* (Gloucester, 1988), p. 88.

<sup>2</sup>See Douglas Hay, "The State and the Market", *op. cit.*; C. B. Macpherson, *Burke* (Oxford, 1980), *passim*; Burke, "Thoughts and Details on Scarcity", p. 354: "the laws of commerce, which are the laws of nature, and consequently the laws of God".

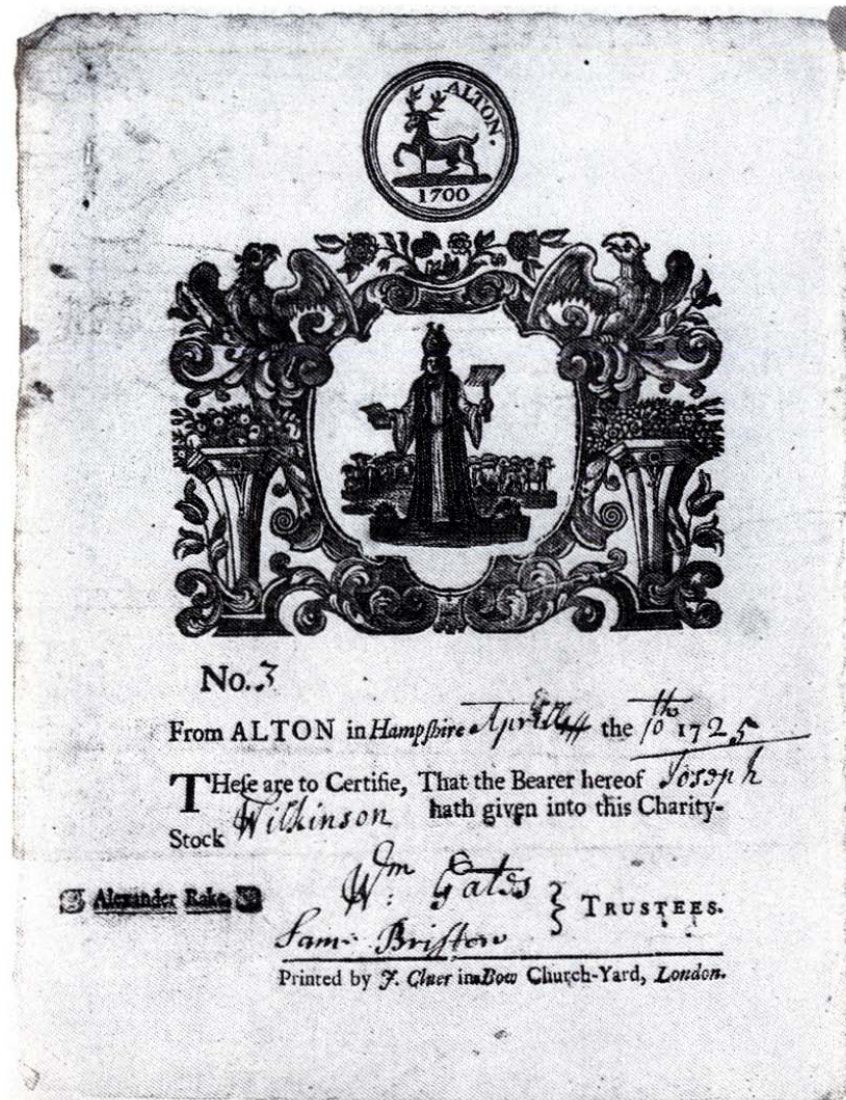


Plate 1. One of the earliest surviving trade union cards, which was filed among the Crown's affidavits when woolcombers were prosecuted in 1725 in Alton, Hants. (See p. 59.) Note that the union (or "Charity") has a London printer and claims to have been founded in 1700. Bishop Blaize, the patron of the woolcombers, is in the centre.



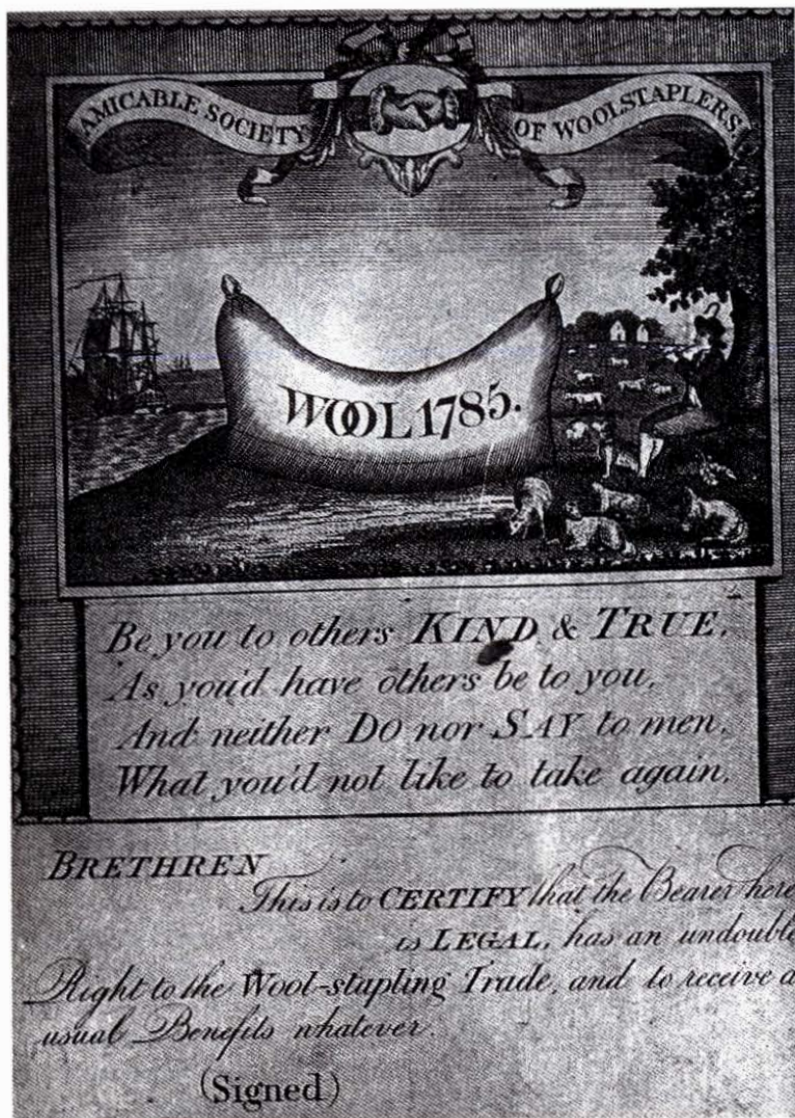


Plate II. The ticket of the Amicable Society of Woolstaplers, 1785, invokes associations with trade and with pastoral life rather than with industry.

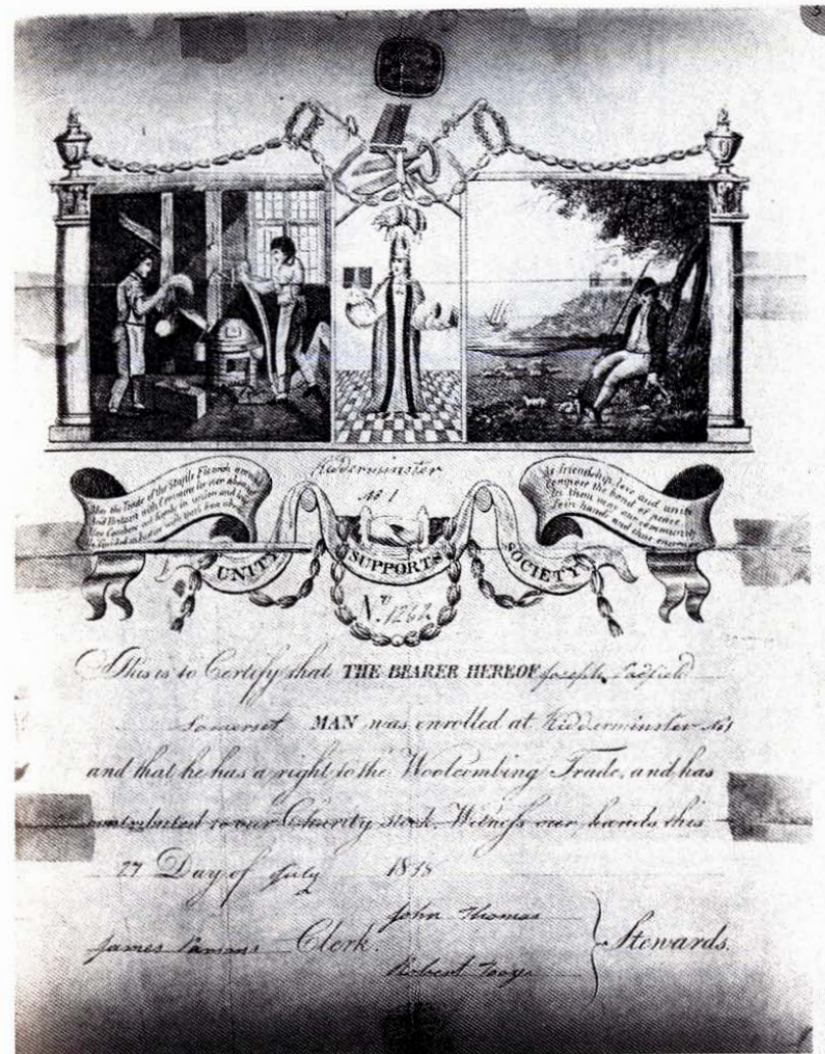


Plate III. This woolcombers' union card of 1838 still has the figure of Bishop Blaize at top centre.



I did not, of course, take Smith as "typical of the range of opinion within the European Enlightenment camp". I took Smith's "Digression Concerning the Corn Trade" in Book Four, Chapter 5, of *The Wealth of Nations* as being the most lucid expression in English of the standpoint of the new political economy upon market relations in subsistence food-stuffs. As such it was profoundly influential within British governmental circles, and few chapters can have had a more palpable influence upon policies or have been used more extensively to justify policies which were already being enacted. Pitt and Grenville read it together in the 1780s and became wholly converted; when Pitt wavered in the crisis year 1800 Grenville called him back to their old faith.<sup>1</sup> Burke was an ardent adherent and had reached similar positions independently; he had been, in 1772, a prime mover in the repeal of the ancient forestalling legislation, and he was to moralise the "laws" of political economy and nominate them to be divine.<sup>2</sup> In the nineteenth century class after class of administrators were sent out to India, fully indoctrinated at Haileybury College in Smith's "Digression", and ready to respond to the vast exigencies of Indian famine by resolutely resisting any improper interventions in the free operation of the market. T. R. Malthus, appointed Professor of Political Economy at Haileybury in 1805, was an early and apt instructor.

Hont and Ignatieff know that "the crucial context" for Smith's digression "was not the encounter with the English or Scottish crowd, but the French debates over the liberalization of the internal trade in 1764-6". I wonder how they know? A French philosophic influence is more reputable than an English or Scottish crowd, and of course Adam Smith was profoundly influenced by physiocratic thought. The influence of "the French debates" may be guessed at, but is not evident in the few pages of Smith's digression. The debate about the liberalisation of trade had proceeded in England

<sup>1</sup>See Roger Wells, *Wretched Faces* (Gloucester, 1988), p. 88.

<sup>2</sup>See Douglas Hay, "The State and the Market", *op. cit.*; C. B. Macpherson, *Burke* (Oxford, 1980), *passim*; Burke, "Thoughts and Details on Scarcity", p. 354: "the laws of commerce, which are the laws of nature, and consequently the laws of God".

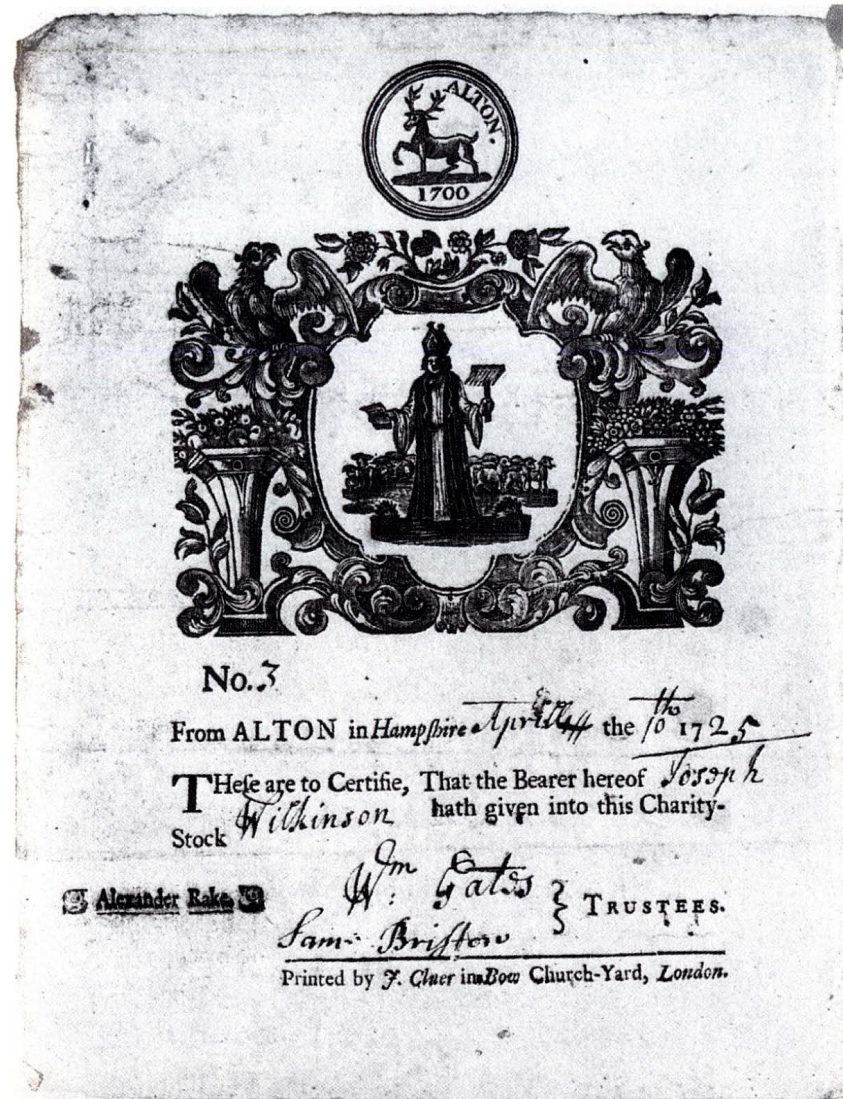


Plate I. One of the earliest surviving trade union cards, which was filed among the Crown's affidavits when woolcombers were prosecuted in 1725 in Alton, Hants. (See p. 59.) Note that the union (or "Charity") has a London printer and claims to have been founded in 1700. Bishop Blaize, the patron of the woolcombers, is in the centre.



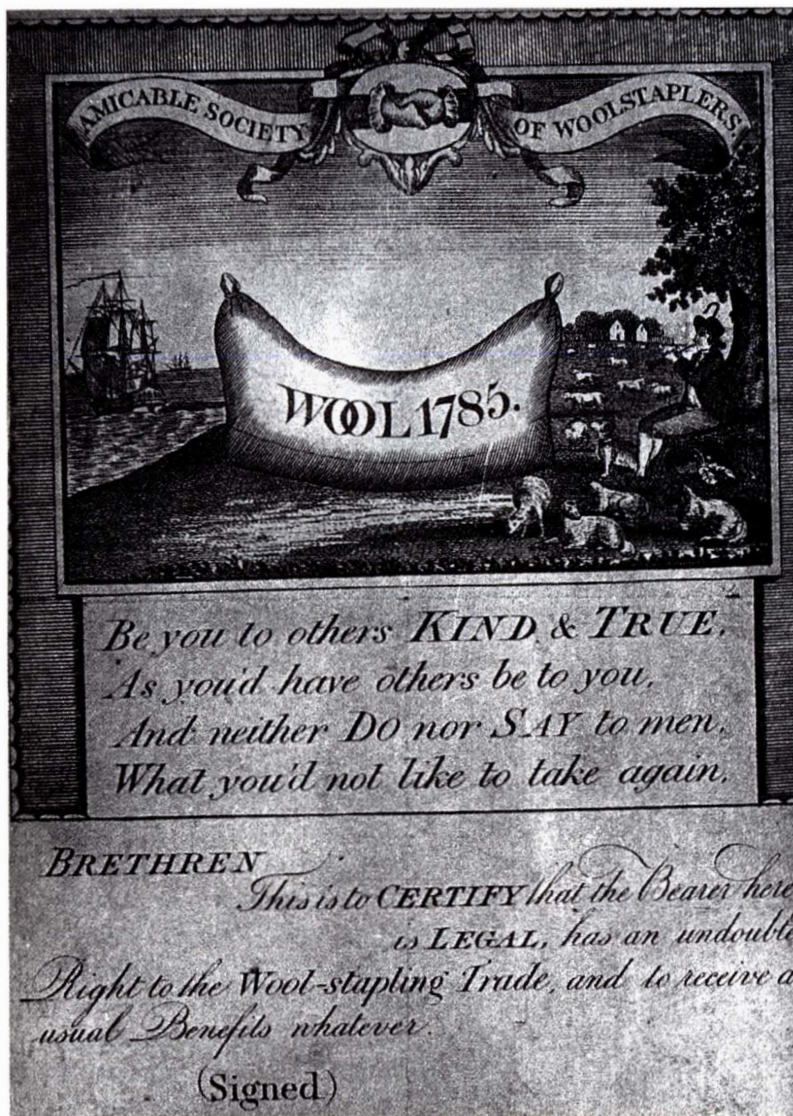


Plate II. The ticket of the Amicable Society of Woolstaplers, 1785, invokes associations with trade and with pastoral life rather than with industry.



Plate III. This woolcombers' union card of 1838 still has the figure of Bishop Blaize at top centre.



THE  
PILLORY  
IN ITS  
GLORY,  
With the Eloquent Speech it made soon after WILLIAMS had left it.  
To which is added, an Antient Prophecy of MERLIN'S  
On the JACK-BOOT.



We hear that WILLIAM'S Pillory (supposed to be made of the Defendants of the Oaks of Dodona, which formerly spoke Prophetic) made a speech as soon as he had left it to the following Purport:

GENTLEMEN,  
"THE very favourable Treatment I have just now met with from you calls immediate Thanks. I have been accustomed to ~~Usage~~ of a very different nature: for seldom have I shown my Face but Filth of every kind hath been thrown against it. But such is the present Occasion, and such your just Opinion of it, that now you have been pleased to decorate me with Laurels, and honour me with your Acclamations. Such universal Applause makes me something proud of myself and induces me to think I am not unworthy of having Persons of higher Rank stand upon me. Perhaps I soon may, as Matters go on; And I must owe to you, I should be glad to experience your Behaviour towards me, when Criminals of a superior Station peep thro' my wooden Windows. Indeed I heartily wish they soon may: such with Gentlemen is no Libel; nor can the DOUBLE FEED Advocate by all his Art inuendo's, make it so. Why should not great Villains stand upon me as well as little ones? If any Lawyer, in that place I now look upon, should dare to attempt to pervert the Laws of this Land, and undermine the Liberties of the People, why should not I expose him to your View and Contempt? or if any Person should take a private Bribe to betray a public Trust, why should not I lift up the Rascal to your Retentment? I would have every Man meet with his due Reward: or if he deserves Halsters of Axes let them have them: or, if any shall merit only a Post upon me, your grateful Servant is very ready to exalt them, tho' loads of Dirt and rotten Eggs, instead of Laurels and Acclamations should be my Lot."

An antient Prophecy of MERLIN'S

W H- N from the North a cruel Bird call'd ---,  
Shall fly o'er ENGLAND and devour its Fruit,  
Shall o'er this Land his baleful Pinions spread,  
And from their Mouths shall take the Children's Bread;  
Shall, Cuckoo-like, make other Nests his own,  
And cast his filthy Eggs behind the ---  
Then Magna Charta to Excite shall turn;  
The Apple be cast off, the Merchant mourn;  
Then shall pack'd Juristry the Façade alone,  
And under J--- the Bench shall groan,  
Then Pillories into Repute shall come,  
And the Priests, ENGLAND'S Bulwark, be struck dumb,

Plate IV. This broadside combines visual and literary forms with the old oral form of rhyming "prophecies". Williams, a bookseller, was sentenced to the pillory for republishing Wilkes's *North Briton*, no. 45. He was cheered by the crowd, which "erected a gallows of ladders, on which they hung a jack-boot [symbol of the King's favourite, the Earl of Butel], an axe and a Scotch bonnet which articles, after a while, were taken down, the top of the boot cut off with the axe, and then both boot and bonnet thrown into a large bonfire". (Thomas Wright, *Caricature History of the Georges* London, 1867, p. 300).



ANTICIPATION  
OF THE  
Death-bed Confession.

OF A  
NOTORIOUS SINNER.

MY Father was a celebrated Cocker, my Mother the Daughter of a Fiddler, and previous to her Marriage, had employed her Charms to some advantage. By these laudible means my Parents were possessed of some wealth: no expence was spared to give me an Education, and the accomplishment of a Gentleman; but alas, my sterile nature was never able to abide the first rudiments of a scholar, and all my attempts at gentility only served to make me ridiculous.

How I have fulfilled the duties of the cloth, my Charity towards the poor Cottagers will evince, and having obtained the rank of a Magistrate, I unblushingly first exercised my authority in convicting and sending to prison a poor honest man, the father of a large family, for selling ale without a licence; though all my neighbours knew it was through my influence alone that a licence had been refused him; I was induced to commit this act of meanness and wanton cruelty, only because he was the Tenant of a respectable gentleman, richer and more respectable than myself, whom I hated for obliging me strictly to observe the pious duties I had undertaken, and was amply paid for, but had no inclination to perform.

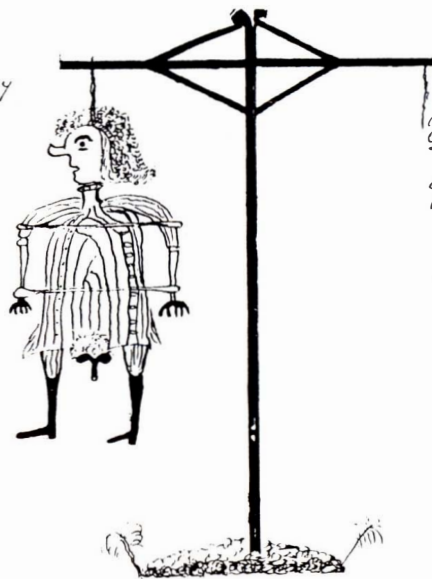
Manifold have been my Sins, and at the awful moment of dissolution their horrid deformity presents itself to my disturbed mind. I humbly ask forgiveness of the numbers I have oppressed, and hope these my last words may be published as a warning to those of mean extraction, who, like me, may become possessed of some little power, and employ it to the injury of their fellow-creatures.

A Penitent SINNER.

Plate V. A lampoon on a clerical magistrate (see p. 519). Two Staffordshire gentlemen were feuding in 1796-1800, John Gough, Esq., and the Reverend Thomas Lane, JP, Rector of Handsworth, to whom are attributed these last dying words. John Gough was trying to enlist his tenants in the feud, and skilfully combined visual lampoon with the most popular literary form, the "last dying words" of the condemned.



a Perspective  
View of Hadley  
Green from  
the Parsonage  
House



kept for Doctor  
Glew. Bishop of  
Deal. a resident  
of ——— nearly  
to the enchanted  
Grove

Bretheren. Bretheren behold my exalted Station. Planted  
amongst elegant trees. Shrubs and sweet flowers, but all appear  
to me Bifs a beds. Nettles and Brambles. I feel the Sting of my  
Conscience. Oyea I repent from ever been Patron Just As and  
to forth. O what a miserable Shitting. Stinking Dogmatick  
Prig of an April foot I do appear, all over Filth. from  
such filth of Body and Conscience Good Lord deliver  
Me. and from this high Promotion I beseech thee to  
encline my Heart to do Justice that I may walk in  
Peace before all Men. Women and Children, Aman

Plate VI. Isaac Emmerton, a nurseryman, was prosecuted in 1800 for  
such lampoons and for erecting a ten-foot-high gibbet with an effigy  
ridiculing the Reverend C. J. Cottrell, JP., the Rector of Handley,  
Middlesex, the chairman of the local Commissioners of Tax  
(see p. 481).



## THE PLURALIST AND OLD SOLDIER

A Soldier once and in the Beggar's list  
Did thus address a well-fed Pluralist.

Soldier.

At Guardship my Leg, and Thigh I lost;  
No Pension have I, tho' its right I boast.  
Your Rec<sup>ty</sup> please, some Charity bestow.  
Heav'n will pay double, when you're there, you know.

Pluralist.

Heav'n pay me double—: Vagrant; know that I  
Ne'er give to Striders, they're so apt to lie:  
Your Parish and some work would you become,  
So haste away—or Constables your doom.

Soldier.

May't please your Rec<sup>ty</sup> hear my case, and then,  
You'll say I'm poorer than the most of Men.  
When Marlbro Sued Lisle I first drew breath,  
And there my father met untimely Death:  
My Mother follow'd of a broken heart:  
So I've no friend, or Parish, for my part.

Pluralist.

I say begone— with that he loudly knocks  
And Timber-twe, begun to smell the Stocks:  
Away he stumps— but in a Road or two  
Thrice clear'd his Wezon, and his tho<sup>ts</sup> broke thro'

Soldier.

Thus tis to beg of those who (Sometimes) Preach  
Up Charity, and all the Virtues teach:  
But their disguise, to Common-Sense is thin.  
A Pocket button'd — Hypocrite within —  
Send me kind Heav'n the well-tarnd Cap<sup>ts</sup> Face.  
Who gives me Twelvepence, and a Curse with Grace:  
But let me not, in House, or Lane, or Street  
These Treble-pension'd Parsons ever meet:  
And when I die, may I still number'd be  
With the rough Soldier to eternity.

Printed according to Act of Parliament by M. Dingley, facing New Broad-Street, the Strand 1766

Plate VII. This 1766 broadside by John Collier (or "Tim Bobbin"),  
the celebrated Lancashire caricaturist, combines the popular appeal  
to patriotism with popular hostility to pluralist clergy.



Plate VIII. J. Penkethman, *Artachthos: Authentic Accounts of the History and Price of Wheat, Bread, Malt &c* was published in 1638 and republished in 1765. This frontispiece carries below: "From the Original Tables, formerly in the Treasury, of the King's Exchequer at Westminster and late in the Possession of the Right Honourable Edward Earl of Oxford." This shows the careful regulation of weights and measures of wheat and the punishment in the stocks of forestallers and regrators.

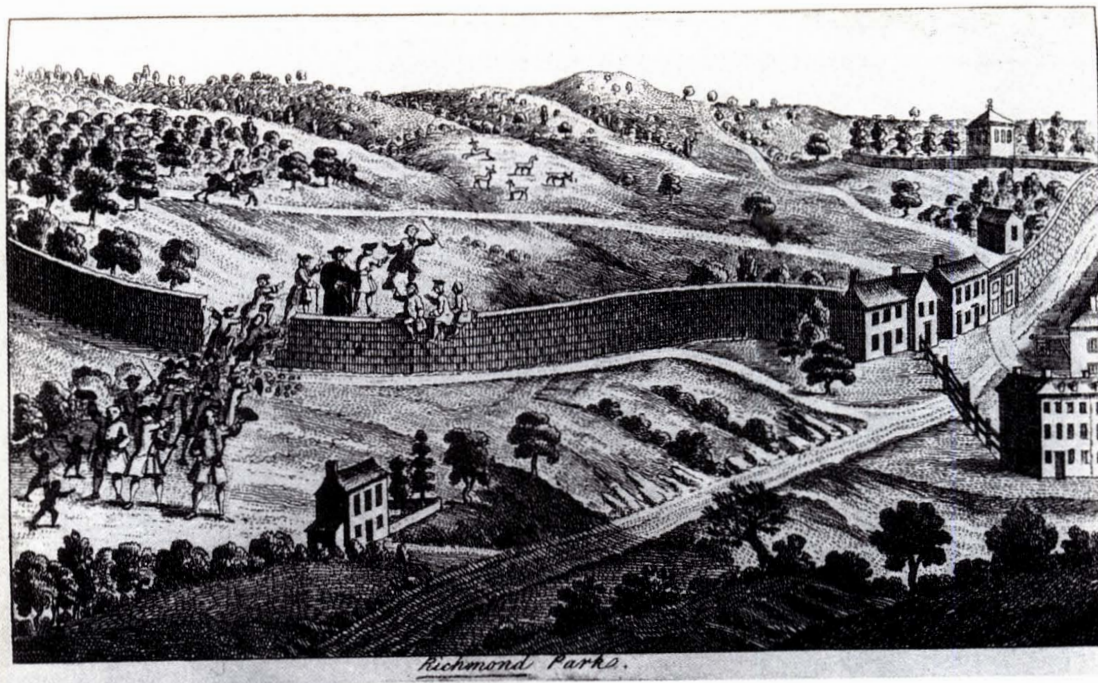


Plate IX. Parishioners, led by their vicar, beat the bounds of their parish, and assert their right of way into Richmond Park by breaking down the wall (see p. 111).





Plate X. As prices began to fall in 1801, caricaturists mocked corn hoarders who had supplies left on their hands. The agricultural labourer is shown (right) as innocent.



Plate XI. Based on an incident in Bishop's-Clyst, Devon, in August 1800. There was a long tradition in Devon of crowds scouring the countryside and visiting farmers reputed to be hoarding corn, and threatening them with rope. Women are shown to be prominent in this action.



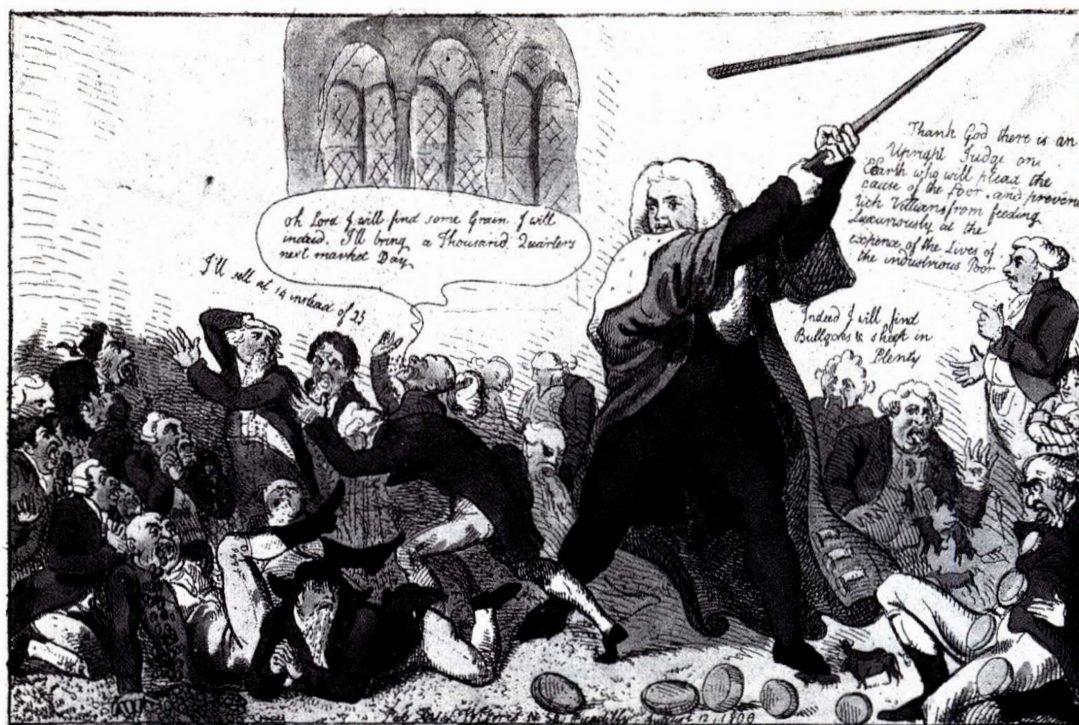


Plate XII. "A Legal Method of Thrashing Out Grain" — a tribute to Lord Chief Justice Kenyon, who had presided over the trial and conviction of Rusby, a corn factor, for regrating oats (July 1800), and who sought to revive the old laws against forestalling, &c., on the grounds that — despite their repeal — they remained recognised by the common law.



Plate XIII. During the grain crisis of 1800-01 the Home Secretary, the duke of Portland, actively supported *laissez-faire*, and in March 1801 he issued a circular letter to Lords Lieutenant deploring those local authorities who had been reviving the old laws against sale by sample.



Plate XIV. An urban view of landlord and farmer conspiring with each other to raise prices during the grain crisis of 1801.



Plate XV. Monopolizers are left with unsold corn, May 1801. The Mayor is setting the Assize of Bread. The agricultural labourer looks through the window and says, "Dang I, if I did not think it would come to this at last!"



MONOPOLIZERS caught in their own TRAP or a COMPANION to the FARMERS TOAST.



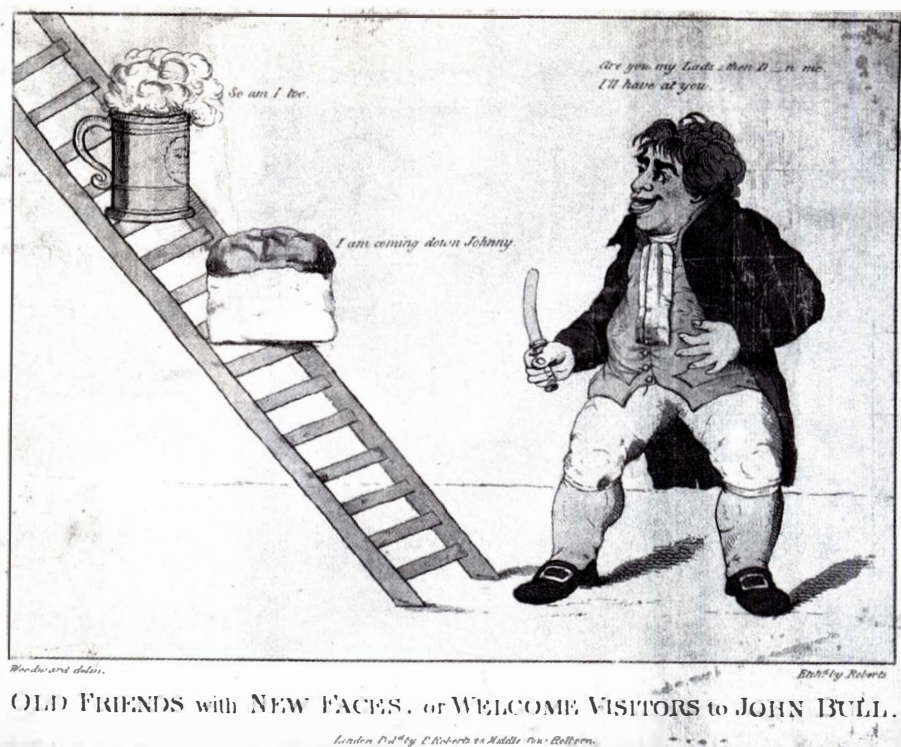


Plate XVI. Prices really do fall in the autumn of 1801.



Plate XVIIa (left). The Butter Cross at Witney, Oxon, was built in 1683 and repaired in 1811. Many market buildings were built in the seventeenth century and still provide evidence of the vigour of market controls. Plate XVIIb (right). The Corn Market at Ledbury, Herefordshire, was built shortly after 1617. Corn storage chambers were added above, some fifty years later, where any unsold grain was held until the next market day. As corn came to be sold by sample in the next century, the chambers were hired out, and a poultry and butter market continued below.





Plate XVIII. Time, work and mortality are invoked at the Neptune Yard, Walker, Newcastle-upon-Tyne.



Plate XIX. This plaster panel is in the Great Chamber at Montacute House, near Yeovil, Somerset, and dates from *circa* 1601. The husband, who had been left in charge of the baby, is surprised by his wife while he is surreptitiously drawing beer. She hits him over the head with a shoe, and this is witnessed by a neighbour (rear).





Plate XX. On the right of this Montacute panel, either the husband or a proxy is made to ride a pole. This is described often as riding Skimmington, but a "true" Skimmington has two riders, one impersonating the wife who belabours the husband, who rides facing the horse's or donkey's tail. (See Hogarth's Skimmington, plate XXII.) The Montacute riding might equally well be Riding the Stang (North of England) or cool-staffing in the West Country.



Plate XXI. Hogarth's illustration from "Hudibras" of burning the rumps at Temple Bar shows the street theatre of London politics, and the preparation of effigies for the bonfire.





*He said, they both were dead and void*  
*They trod through the burning crowd*  
*Which the Vestal and still kept*  
*When approach'd him present to the court*  
*His face, with face and hand*  
*What means such heinous Proceedings*  
*With Men's Orthodox Profession*  
*For things of superstition's cunning*  
*For he had in Gospel Sun-Shine*  
*It is an Antichristian Opinion*  
*Of running after self-Inventions*  
*Of wicked and prophane Intentions*  
*To scandalize that Sex for seducing*  
*To whom the Saints are so beholden*  
*Women that for us alone intended*  
*In which the Quads might be concerned*  
**HUDIBRAS**  
 ENCOUNTERS THE  
**SKIMMINGTON**  
*Brought in their children's Spoons & Whistles*  
*To purchase Swords & Carriages and Whistles*  
*Draw several pious Wretches in*  
*That for the Whigs would leave their*  
*Liberty down the Trencher & Highland*  
*Highly doing well they say*  
*Stamp'd and set off their Zeal*  
*With Marrow-Puddings many a Meal*  
*And cramm'd on till their brains did ache*  
*With Candles, Cakes and Plums & such*  
*Whence they drew it what he thought*  
*They might advance the Cause of God*  
*How there at that an Egg let fly*  
*Hit him directly on the Eye*  
*And causing down his cheek, he roared*  
*With crying, I am alone his Word*  
*And straight and so with his Plumes*  
*Hee Ralph, or the Eyes a double blow*

Plate XXII. Hogarth's illustration from "Hudibras" of a Skimmington.



DR SYNTAX WITH THE SKIMERTON RIDERS.

Plate XXIII. Rowlandson's "Skimerton" (from illustrations to "Dr. Syntax") shows all the symbolism and paraphernalia of a carnival of cuckoldry, and shows a more active participation by the women than does Hogarth.



# A GENERAL SUMMONS

TO ALL THE HORNIFIED FUMBLERS,

To assemble at Horn Fair October 18,

Printed and sold by T. Batchelar, 115, Long Alley, Moorfields, London.



Plate XXIV. A summons to Horn Fair at Charlton (north of Blackheath). Claiming great antiquity, in the eighteenth century this carnival of cuckoldry was patronised by many genteel young people, masked and in drag, and with horns plentifully in evidence.

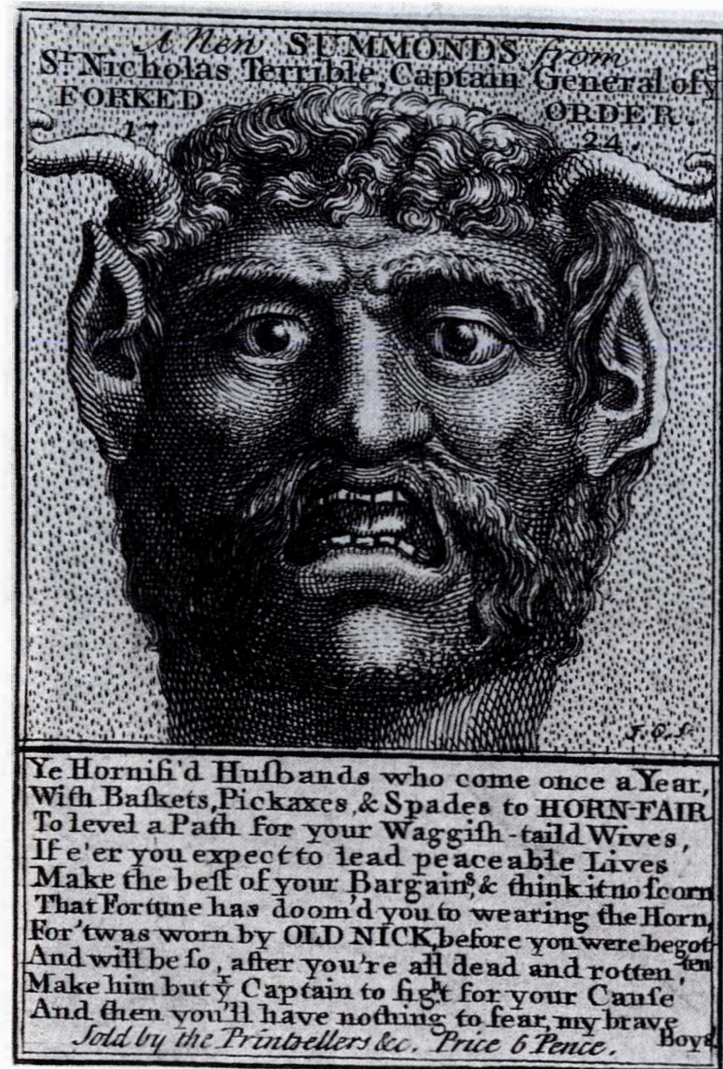


Plate XXV. The printer, T. Batchelar, used these premises between 1817 and 1828 (information from Roy Palmer) so that this "Summons" extends the iconography of cuckoldry and skimmingtons well into the nineteenth century.





Plate XXVI. This diabolic mask, known as the "Ooser", was held at a farm in Melbury Osmond, Dorset, but it is now lost. The lower jaw was moveable and was worked with a string; in its last years it was supposedly used to frighten unruly children.



## CHAPTER VIII.

### OLD SHOPS, OLD HOUSES, AND OLD INHABITANTS.

As a picture of the past, and one that had never been altered for many long years, I shall now endeavour to bring before the eye the trades and shops, odd characters, and old houses, ancient lanes, yards, and 'twitchells,' in some such order as they stood, and with the old names by which the trades were

Plate XXVII. This reconstruction of riding the stang comes from a local history of Grimsby, published in 1857. A proxy (or neighbour?) is being ridden, in some comfort, while the victim watches apprehensively out of the window.





Plate XXVIII. The last days of rough music: a "lewelling" in a Warwickshire village (Brailes) in 1909. The band parades before the effigies of "the erring pair", which are set up in front of the woman's house. After three nights the dummies are burned. Notice that this band is wholly male, and the "historic instruments" have given way to kettles, milk churns and corrugated iron.



JOHN HOBBS, JOHN HOBBS.

Sung by Mr. LOVEGROVE, with unbounded Applause, in "Any Thing New," at the Lyceum Theatre, Strand.

A jolly shoe-maker, John Hobbs, John Hobbs,  
A jolly shoe-maker, John Hobbs;  
He married Jane Carter,  
No damsel look'd smarter,  
But he caught a Tartar,  
John Hobbs, John Hobbs,  
Yes, he caught a Tartar, John Hobbs.

He tied a rope to her, John Hobbs, John Hobbs,  
He tied a rope to her, John Hobbs;  
To 'scape from hot water  
To Smithfield he brought her,  
But nobody bought her,  
Jane Hobbs, Jane Hobbs,  
They all were afraid of Jane Hobbs.

Oh, who'll buy a wife? says Hobbs, John Hobbs,  
A sweet pretty wife, says Hobbs;  
But somehow they tell us,  
The wife-dealing fellows  
Were all of them sellers,  
John Hobbs, John Hobbs,  
And none of 'em wanted Jane Hobbs.

The rope it was ready, John Hobbs, John Hobbs,  
Come, give me the rope, says Hobbs,  
I won't stand to wrangle,  
Myself I will strangle,  
And hang dingle dangle,  
John Hobbs, John Hobbs,  
He hung dingle dangle, John Hobbs.

But down his wife cut him, John Hobbs, John Hobbs,  
But down his wife cut him, John Hobbs;  
With a few hubble bubbles  
They settled their troubles,  
Like most married couples,  
John Hobbs, John Hobbs,  
Oh, happy shoe-maker John Hobbs.

Plate XXIX. John Hobbs: like much standard ballad-vendor's stock, this is intended to amuse, and has no evidential value whatsoever.



# A MAN SELLING HIS WIFE

In the Market-place, Thetford,

1744 1837

On Saturday last, for the sum of £5. together with a true and laughable Dialogue which took place between the man & his wife after she was sold, when she was retiring with her new husband.

On Saturday last the Market-place of Thetford was thrown into a state of excitement, seldom witnessed there, by a man about forty years of age, in a shabby-genteel dress; leading a smart-looking woman, with a handkerchief round her neck, and shouting with a loud voice, "who'll buy a wife?" After arriving at the centre of the Market, he mounted a chair, and offered her for sale. "She was good looking, but that was all he could say for her." A young man of plausible appearance offered 10s. for her; but he was immediately opposed by an old gentleman bidding 5s. more. Afterwards the young man became the purchaser for £5. The money was paid down, and the husband on handing over the handkerchief to the purchaser, began to dance and sing, declaring he had got rid of a troublesome noisy wife, which caused much merriment in the crowd. The young woman turned sharply round and said, you know you old rascal you are jealous—you are no man, and have no need of a young wife, and that is the reason you sold me, you useless old dog. Here the laugh was turned against him, and the women began to clap their hands at him. He then said she was a gormandizing woman, and would eat any man's substance up; and declared if he had kept her another year, she would have eaten him out of house and harbour. Here the woman looked blue, but soon turned round, nothing daunted and said, "swallow your substance indeed, that might soon be swallowed by any lady present for what there is of it. Only think, he wished half a pound of sugar and one ounce of tea to serve us both the whole blessed week; and as for dinners, fresh meat we never saw, but a half-penny worth of onions and a small quantity of bread & cheese were our dinners for days together." Here the women became uproarious, but he walked off singing, "I fairly got rid of her." The fortunate purchaser led her away in loud huzzas. The seller's name is John Simpson, of Brandenham, and the purchaser's name is John Hart, of whom he had been jealous, having lodged in his house.

You married men and women too,  
Of every degree,  
If you wish to live contented,  
Pray be advis'd by me;  
Take caution from this man and wife,  
Who did in Brandenham dwell—  
And what between them did take place  
I unto you will tell

CHORUS.

So men look out what you are about  
For your wives do all you can,  
For a woman is a blessing,  
And a comfort to a man.

It happened in that neighbourhood,  
Upon the other day,  
A man resolv'd to sell his wife,  
Through jealousy they say;  
To part it was agreed it seems,  
To Thetford market they went.

And for five pounds he sold her,  
And half-a-crown was spent,

This man was worth some money,  
And a miser did appear,  
He kept his wife on bread and cheese,  
With allowance of small beer;  
Besides he kept her from her tea,  
Woman's comfort and delight,  
Likewise he was so jealous,  
He lay grunting every night.

Oh, jealousy is a cruel thing,  
I'd have you push it out,  
It is worse than Itch, Stitch, Palsy,  
The Rheumatism or Gout;  
So you that feel those cruel pains,  
Think on this man and wife,  
Be sure you have convincing proof,  
Before you blame your wife.

Printed for, and Sold by Joseph Barnfylde, Thetford.

Plate XXX. This locally-printed Thetford wife sale broadside was probably based on a real incident, touched up for entertainment.

## 324 VENTE DE FEMMES A LONDRES.

nerai à observer qu'une coutume aussi infâme s'est conservée sans interruption, qu'elle est mise chaque jour à exécution; que si quelques magistrats des comtés, informés que de semblables marchés allaient se faire, ont cherché à les empêcher en envoyant sur les lieux des constables ou huissiers, la populace les a toujours dispersés, et qu'elle a maintenu ce qu'elle considère comme son droit.



Plate XXXI. This vignette concludes an account of the sale of wives in London in a French travel book which like many others exaggerates the prevalence of the custom ("qu'elle est mise chaque jour à exécution").





Plate XXXII. *Punch's* "physiology of courtship": it is intended to typify the English manner of courtship as conceived by the French and Germans. The scene is Smithfield market: on the right "Lord the Honourable Sir Brown (eldest son of the Lord Mayor) is making in the cold and formal fashion of his compatriots, a declaration of his sentiments to a young miss, daughter of a duke . . ." On the left "may be perceived a church dignitary in a fit of the spleen disposing of his wife, for ready cash, to a field-marshal — sad, but only too frequent Result, of our insular Incompatability of Temper".

and Scotland also, and had become more heated at the time of the dearth of 1756-7, when many English local authorities had symbolically enforced some of the old protective legislation.<sup>1</sup> As it happens the only authority cited by Smith in his digression is not a French physiocrat but Charles Smith, whose *Three Tracts on the Corn Trade* date from 1758 (above p. 201). Adam Smith is likely to have been influenced in his market theories by Scottish experience as well as French, but the digression is argued almost wholly in terms of English practices and laws.<sup>2</sup>

My essay was taken by some to be derogatory both to Adam Smith and to the "free market", which is a very great personage these days. But my comments were deferential, mild and agnostic. They were offered

Not in refutation of Adam Smith, but simply to indicate places where caution should be exercised until our knowledge is greater. We need say only of the *laissez-faire* model that it is empirically unproven; inherently unlikely; and that there is some evidence on the other side (p. 207).

There is no final historical verdict after more than two hundred years, because Adam Smith theorised a state of perfect competition and the world is still waiting for this state to arrive.

But, even if we were to suppose market conditions more perfect, there are peculiarities in the market for the necessities of subsistence which raise their own theoretical

<sup>1</sup> Adam Smith's "real contact" with the French thinkers came during his visit to Paris, December 1765 to October 1766: see Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R. H. Campbell and A. S. Skinner (Oxford, 1976), i, pp. 22-3, note 8. He will therefore have been absent from Britain during the height of the 1766 rioting. But Smith himself insisted that his views of *laissez-faire* were already formed in 1749: see Jacob Viner, *The Long View and the Short* (Glencoe, Illinois, 1958), p. 215.

<sup>2</sup> Even Smith's famous comparison of the popular prejudices against forestallers to belief in "witchcraft" might have been borrowed from an earlier pamphleteer: see *Reflections on the Present High Price of Provisions; and the complaints and disturbances arising therefrom* (1766), p. 39, which refers also to witchcraft and notes that in the Commission for the appointment of magistrates "inchantments, sorceries, arts of magic, forestalling, regratings, and ingrossings are ranged together, as offences of a similar nature, because they were committed by wicked persons, in a manner both amazing and unknown".



problems. The question is not whether, in the long run, it is not advantageous to all parties for communications to be improved and for national and, in the end, international markets in grain or in rice to be formed. As soon as that question is proposed the answer is self-evident. . . and we are into a feedback loop. Direct obstruction of this flow, whether by local authorities or by the crowd, could be plainly reactionary. But dearth and famine are always in the short run and not the long. And Adam Smith has only long-run remedies (such as high prices encouraging the breaking-up of more acres for grain) for short-run crisis. By 1776, when *The Wealth of Nations* was published, the desirability of a more fluent national commerce in grain had become a truism. What were disputed (in France as in England), were the measures the authorities might or should take in times of high prices and dearth. Here there were wide disagreements, not only between traditionalists (and of course the crowd) and political economists, but also — as Hont and Ignatieff very helpfully show — within the ranks of the political economists.<sup>1</sup>

Adam Smith took a sterner and more doctrinaire position on the inviolability of *laissez-faire* even during times of dearth than did many of his colleagues. He insisted that the interests of dealers (inland) and the “great body of the people” were “exactly the same”, “even in years of the greatest scarcity”. “The unlimited, unrestricted freedom of the corn trade, as it is the only effectual preventive of the miseries of a famine so it is the best palliative of the inconvenience of a dearth.”<sup>2</sup> Smith was not, “the only standard-bearer for ‘natural liberty’ in grain” but he was one of the more extreme standard-bearers for this liberty to remain uncontrolled even in times of great scarcity. And he must have known very well that it was exactly this point of emergency measures in time of dearth that was most controversial. His notable forerunner in developing *Political Oeconomy*, Sir James Steuart, had refused this fence, and

<sup>1</sup> Hont and Ignatieff, *op. cit.*, pp. 16-19.

<sup>2</sup> These passages are selected for emphasis by Salim Rashid in “The Policy of *Laissez-faire* during Scarcities”, *Economic Journal*, 90 (1980), pp. 493-503.

was an advocate of the stockpiling of grain in public granaries for sale in time of dearth.<sup>1</sup> Smith's successor and biographer, Dugald Stewart, was a true executor when he lectured in unqualified terms on the “unlimited liberty of the corn trade” right through the crisis year of 1800.<sup>2</sup> On this question Adam Smith was neither “vulgarised” nor “misunderstood”.

It is not (as some accounts imply) the total theoretical structure of *The Wealth of Nations* which is at issue, but the few pages of Smith's digression on the corn trade in that treatise. These pages acquired oracular authority, and in each episode of scarcity — in Britain in 1795 and 1800, in Ireland, India and the Colonial Empire through much of the nineteenth century — these were the arguments which politicians and administrators rehearsed. In Britain in the 1790s both Government and Foxite opposition endorsed these arguments, and when the Home Secretary, the duke of Portland, harried traditionalist Lords Lieutenant, magistrates and local authorities with homilies on political economy and instructions to preserve the freedom of markets, he was not vulgarising the views of Dr Smith but enforcing these strictly.

Thus when the Nottingham Corporation endorsed the crowd's imposition of price ceilings and brought pressure onto local farmers to supply the market at these rates, Portland insisted, in Smithian terms, that

Whenever any reduction in the price of a Commodity has been effected by intimidation it has never been of any duration, and besides, by having things out of their natural and orderly courses, it almost necessarily happens that the evil, instead of being remedied returns with increased violence.<sup>3</sup>

To this Portland added, but with his own special vehemence, the Smithian theme of natural justice to the rights of property: there should be a “religious observance of the respect. . . due to private property”, and the Lord

<sup>1</sup> Sir James Steuart, “A dissertation on the policy of grain”, in *Works* (1805; reprint 1967), v, pp. 347-77. Steuart's proposal was first made in 1757, but was maintained in subsequent years.

<sup>2</sup> Dugald Stewart, *Lectures on Political Economy* (Edinburgh, 1855; reprint 1968), ii, p. 52.

<sup>3</sup> Wells, *Wretched Faces*, p. 238.



Lieutenant of Oxfordshire, the duke of Marlborough — a traditionalist and paternalist — was instructed that:

If the employment of Property is not secure, if every Man does not feel that he has power to retain what he possesses so long as he pleases and dispense it at the time, in the manner and for the Price he chuses to fix upon it, there must be an end of Confidence in Industry and of all valuable and virtuous Exertions of all descriptions. . . the whole Order of things must be overturned and destroyed.

All must "maintain the Principle of perfect Freedom of Property".<sup>1</sup>

It was the same principle and the same authority that was appealed to during famine conditions in Western India in 1812. The judge and magistrate of Kaira had urged the government to intervene by importing grain and selling it to retailers at little over its cost price. The proposal was rejected:

The Right Honourable the Governor in Council is disposed to think. . . that those approved and recognised principles. . . which prescribe an entire and unrestricted freedom in the grain trade, as best adapted to the relief of any existing scarcity and to the prevention of famine, are particularly applicable to the dealers in grain in the province of Goozerat. . . The digression of the celebrated author of the *Wealth of Nations* concerning the Corn-Trade. . . particularly as far as respects the *inland Trader*, is forcibly and irresistibly applicable to every state of society where merchants, or dealers, in grain may be established.<sup>2</sup>

Similar homilies were expressed in orders of the Madras Government in 1833 which argued that high prices constitute the best security against famine: "The interference of Government in such emergencies. . . disturbs the natural current (by which, where trade is free, the demands of any commodity is sure to meet, as far as circumstances will allow, with a corresponding supply) and has a tendency to convert a

<sup>1</sup>Roger Wells, "The Grain Crisis in England, 1794-96, 1799-1801" (Univ. of York Ph.D. thesis, 1978), pp. 472-3. Also Wells, *Wretched Faces*, pp. 238-9.

<sup>2</sup>Srinivasa Ambirajan, "Economic Ideas and Indian Economic Policies in the 19th Century" (Manchester Univ. Ph.D. thesis, 1964), pp. 363-4. A similar circular, quoting almost verbatim from *The Wealth of Nations*, originated from the Board of Revenue in Madras in 1811: Arnold, *Famine*, p. 113. See also Ambirajan, S., *Classical Political Economy and British Policy in India* (Cambridge, 1978).

season of scarcity into one of absolute famine".<sup>1</sup>

Despite the appalling example of the great Irish famine, Smithian imperatives continued to inform policies in India during the famines of the 1860s and 1870s. Baird Smith, reporting on the famine of 1860-1, applauded the non-interventionist principles of *The Wealth of Nations* and advised that the remedy for dearth be left to "the order of nature [which] if it occasionally produces dire sufferings, does also provide generally the most effective means for their mitigation".<sup>2</sup> (In Orissa alone, in 1860, famine deaths were estimated at 1,364,529.<sup>3</sup>) It has been suggested that some administrators were fortified in policies of non-interference by literal-minded assent to Malthusian doctrines.<sup>4</sup> The magistrate at Patna was advised by the Governor-General that, while it was "beyond the power. . . of the public authorities to remedy the unfortunate dearth of grain", yet the magistrates may "effect much to soften the distress and calm the irritation of the people":

<sup>1</sup>*Ibid.*, p. 366. The view that famines were always the consequence of well-intentioned interventions by the authorities which disrupted the "natural" flow of trade is one of Adam Smith's least well-supported assertions: "Whoever examines, with attention, the history of the dearths and famines which have afflicted any part of Europe during either the course of the present, or that of the two preceding centuries" will find that dearths arise in a few cases from the waste of war but in the greatest number of cases "by the fault of the seasons; and that *a famine has never arisen from any other cause but the violence of government attempting, by improper means, to remedy the inconvenience of dearth*". (My italics.) Upon this pretence to omniscience, Smith and his disciples could denounce protective measures as iniquitous. Smith also asserted that "the drought in Bengal, a few years ago, might probably have occasioned a very great dearth. Some improper regulations, some injudicious restraints, imposed by the servants of the East India Company upon the rice trade, contributed, perhaps, to turn that dearth into a famine." This assertion has been challenged by H. Sur, "The Bihar Famine of 1770", *Indian Econ. & Social Hist. Review*, xiii, 4 (1976), who finds a better explanation in the collapse of the traditional Moghul administration and the ensuing vacuum.

<sup>2</sup>B. M. Bhatia, *Famines in India* (Bombay, 1967), p. 105.

<sup>3</sup>Ambirajan, thesis, p. 367.

<sup>4</sup>See S. Ambirajan, "Malthusian Population Theory and Indian Famine Policy in the 19th Century", *Population Studies*, xxx, 1 (1976).



By manifesting a sympathy in their sufferings, by a humane, patient and indulgent hearing of their complaints, by encouraging them to look forward to the approaching harvest. . . they may be persuaded to bear with resignation the inevitable calamities under which they labour.<sup>1</sup>

This throws one back, not only to Smith and to Malthus, but also to Edmund Burke's *Thoughts on Scarcity*.

What political economy forbade was any "violent interferences with the course of trade", including the prosecution of profiteers or hoarders, the fixing of maximum prices, and government intervention in grain or rice dealing.<sup>2</sup> Relief exercises must take the form of distributing a pittance of purchase money (at whatever height "the order of nature" had brought prices to) to those whose need passed the examination of labour on public relief works.<sup>3</sup> These policies, or negatives in the place of policies, were based upon theories which — however elaborated by other authors — rested upon the few pages of Adam Smith's digression.

These pages, then, were among the most influential writings in history, with a global influence which was sometimes baneful. Their arguments discredited or disallowed traditional protective interventions in time of dearth, could be used to justify profiteering and hoarding, and could serve as apologetics to soothe the troubled consciences of the authorities by commending inactivity as correct political economy. Two Indian economists who have had the temerity to question their profession's habitual complacency about Smith's views on the grain trade receive a lofty rebuke from Hont and Ignatieff: they have "overlooked" "the traditional theory of justice framing Smith's discourse of free trade in subsistence goods during dearth and famines". And they cite this passage of the digression:

To hinder. . . the farmer from sending his goods at all times to the best market, is evidently to sacrifice the ordinary laws of justice to an idea of public utility, to a sort of reasons of state — an act of legislative

<sup>1</sup> Ambirajan, thesis, pp. 366-7.

<sup>2</sup> See Bhatia, *op. cit.*, p. 105.

<sup>3</sup> The absolutes of political economy were modified by the Famine Code of 1880, although the general principle of non-intervention in the grain trade "remained inviolate until the Second World War": Arnold, *op. cit.*, p. 114.

authority which ought to be exercised only, which can be pardoned only, in cases of the most urgent necessity.

And somehow or other Hont and Ignatieff find this passage endorsement of their conclusion that "Smith's discourse was not about the conditions of actual famines, which belonged to the discourse on grave necessity which 'breaks all laws' ". But one may search in vain in the digression or anywhere in *The Wealth of Nations* for any such "discourse on grave necessity". What is pretentiously named as a "discourse" is, at most, a brief saving clause (measures "which can be pardoned only in cases of the most urgent necessity") and a prolonged silence as to what these measures might be.<sup>1</sup>

As for "the traditional theory of justice framing Smith's discourse of free trade", the justice is to the rights of property. As Hont and Ignatieff acknowledge elsewhere, Smith "insisted on the all but absolute priority of the property rights of grain merchants and farmers over the claims of need made by poor labourers". This position was more extreme than that of many contemporary political economists and physiocrats; indeed, Diderot considered the privileging of private property above need in times of famine to be a "cannibal principle".<sup>2</sup>

My argument is not (as it happens) intended to show that Dr Adam Smith was a cannibal. Smithian advocacy of free trade in grain had evident virtues in the long run but had only negative relevance in times of crisis, since his remedies — such as increasing cereal production — were long-run remedies or — such as very high prices — were not remedies at all. Among the deficiencies of Smithian doctrine were 1) that it *was* doctrinaire and counter-empirical. It did not want to know how actual markets worked, any more than its disciples do today. As dogma it could serve as an apologia for inactivity, as exemplified in several Irish and Indian disasters. 2) It promoted the notion that high prices were a (painful) remedy for dearth, in drawing supplies to the afflicted region

<sup>1</sup> Hont and Ignatieff, *op. cit.*, p. 20. Adam Smith in *The Theory of Moral Sentiments*, ed. D. D. Raphael and A. L. Macfie (Oxford, 1976), p. 27, found "violent hunger" to be an offence against "propriety". Though sometimes "unavoidable" it "is always indecent".

<sup>2</sup> *Ibid.*, p. 22.



of scarcity. But what draws supply are not high prices but people with sufficient money in their purses to pay high prices. A characteristic phenomenon in times of dearth is that it generates unemployment and empty purses; in purchasing necessities at inflated prices people cease to be able to buy inessentials, and the shoemaker, the weaver, the stockinger, the fisherman, the barber, the transport worker, and many others fall on hard times.<sup>1</sup> Hence the number of those able to pay the inflated prices declines in the afflicted regions, and food may be exported to neighbouring, less afflicted, regions where employment is holding up and consumers still have money with which to pay. In this sequence, high prices can actually withdraw supply from the most afflicted. A leading authority on recent famines, Dr Amartya Sen, notes that in a slump hunger and even starvation have "little market pull" and in many famines food was exported from the famine-stricken country or region. This was notoriously the case in Ireland in the 1840s and was observed in Indian famines also:

Adam Smith's proposition is, in fact, concerned with efficiency in meeting a market demand, but it says nothing on meeting a need that has not been translated into effective demand because of lack of market-based entitlement and shortage of purchasing power.<sup>2</sup>

3) The most unhappy error flows from Smith's metaphor of price as a means of rationing. Smith argues that high prices discourage consumption, putting "everybody more or less, but particularly the inferior ranks of people, upon thrift and good management". By comparing the dealer who raises prices to the "prudent master of a vessel" rationing his crew, there is a persuasive suggestion of a fair distribution of limited resources. These resources will be rationed not only between individual consumers but also over time, dividing "the inconveniences" of scarcity "as equally as possible

<sup>1</sup>Thus in Bengal in 1873 the first to starve were "non-agricultural classes" — weavers, metal workers, carpenters, fishermen, menials. The field labourers and small cultivators followed: *Extra Supplement to the Gazette of India*, 26 Feb. 1875, p. 33.

<sup>2</sup>Amartya Sen, *Poverty and Famines* (Oxford, 1981), pp. 161-2. "Food being exported from famine-stricken areas may be a 'natural' characteristic of the market, which respects entitlement rather than needs."

through all the different months and weeks and days of the year.

However persuasive the metaphor, there is an elision of the real relationships assigned by price, which suggests — for the argument has been repeated ever since and may still be heard today — ideological sleight-of-mind. Rationing by price does not allocate resources equally among those in need; it reserves the supply to those who can pay the price and excludes those who can't. Perhaps one-fifth or one-quarter of the English population in the eighteenth century rubbed along on the edge of bare subsistence, and was in danger of falling below this whenever prices rose. In a recent authoritative study it is shown that

In hard years perhaps 20 per cent of the population could not, unaided, have bought sufficient bread even if they had been able to eliminate all other expenditure; and. . . in a very hard year, 45 per cent of the entire population could be thrown into such destitution.<sup>1</sup>

What Hay finds for eighteenth-century England, Sir William Hunter and other observers found for nineteenth-century India. Even in normal years one-fifth of the population "went through life on insufficient food".<sup>2</sup> The raising of prices during dearth could "ration" them out of the market altogether.

This is something one must hold steadily in view. High prices of bread mattered little to the rich, were inconvenient to the middling sort, were painful to steadily-employed labourers, but could threaten the survival of the poor. That is why they were at once a matter of "politics". It was against this socially-unequal "rationing" by purse that the food riot was a protest and perhaps a remedy.

This may remind us that the world has not done yet with dearth or with famine. The problem occupies many able minds and, as one might expect, some of the most relevant work comes from Indian economists and historians, for whom famine is not so distant a problem and yet who share with Britain some common histories of administration, law, and ideology. One arresting approach is that of Amartya Sen,

<sup>1</sup>Douglas Hay, "War, Dearth and Theft in the Eighteenth Century", *Past and Present*, 95 (1982), p. 132.

<sup>2</sup>See Bhatia, *op. cit.*, p. 39.



in his *Poverty and Famines* (1981), which employs "entitlement theory" and also an advanced statistical apparatus. "Entitlement" indicates all the various means by which people gain access to essential food supply, whether this is through direct subsistence farming or through the provision by an employer or master (in his household) or by purchase in the market. A famine is triggered by the breakdown of such entitlements and the merit of this approach is that it does not only tell us that there has been a decline in the amount of food available but it also examines "why some groups had to starve while others could feed themselves. . . . What allows one group rather than another to get hold of the food that is there?".<sup>1</sup>

Dr Sen examines twentieth-century famines in Asia and Africa, for which the statistical data is more reliable than any we have for the eighteenth century, and he concludes that, in the greater number of cases examined, famine cannot be simply attributed to "food availability decline". Where there had been a crop failure, "a moderate short-fall in *production*" was "translated into an exceptional short-fall in *market release*". The market cannot be isolated and abstracted from the network of political, social and legal relations in which it is situated. Once the downward spiral of famine is entered, the process can become cumulative, and "no matter how a famine is *caused*, methods of *breaking* it call for a large supply of food in the public distribution system".<sup>2</sup>

This approach is relevant to dearth in eighteenth-century Europe also,<sup>3</sup> and is preferable to the one most commonly adopted, which focuses on harvest failures as if these could supply not only necessary but also sufficient explanation of all that followed. Dr Sen argues that this "FAD" (food availability decline) approach

Gives little clue to the causal mechanism of starvation, since it does not go into the *relationship* of people to food. Whatever may be the

<sup>1</sup> Sen, *op. cit.*, p. 154.

<sup>2</sup> *Ibid.*, pp. 75, 79.

<sup>3</sup> See Louise Tilly, "Food Entitlement, Famine, and Conflict", in R. I. Rotberg and Theodore K. Rabb (eds.), *Hunger and History* (Cambridge, 1985), pp. 135-152.

oracular power of the FAD view, it is certainly Delphic in its reticence.<sup>1</sup>

In general the eighteenth-century English poor were sheltered by poor laws and charity from outright starvation, but Dr Sen's argument remains valid. Smithian and Malthusian explanations of years of dearth rest heavily upon crop failures (FAD) and remain "Delphic" as to the relationship of people to food and the socially-differential entitlements that obtained.

The "relationship of people to food" involves systems of power, property and law. Conflict over entitlement to food in the market might be seen as a forum of class struggle, if most historians were not too prissy nowadays to use the term. It may also be seen as a forum for the conflict of interests, "Town" versus "Country", as manufacturing workers, woollen workers, or colliers, confronted farmers and dealers.

Both forms of conflict can be observed in England during the high-price years of the Napoleonic Wars, and as government intervened with doctrine and with armed force in support of the unfettered operation of agrarian capitalism there can be no doubt which classes and interests were winners. Professor Mingay has estimated that, in areas which he has investigated, rents rose between 40 per cent and 50 per cent between 1750 and 1790; and between 1790 and 1815 rents rose by a further 80 per cent to 90 per cent.<sup>2</sup> At the same time (as the substantial farm buildings of that period remain to witness) the middling and larger farmers were well able to pay these enhanced rentals and were rising in prosperity and in assumptions of social status. Rent was the means by which the landowners clawed back their share of farming profits. These rentals indicated a very considerable rise in the wealth of the agrarian capitalist classes (in which affluence the agricultural labourers had no share), and this was supported in its turn by the sale of food — and especially cereals — to the consumers of the "Town". The wealth of the landowners

<sup>1</sup> See Sen, *op. cit.*, p. 154. And see A. K. Ghose, "Food Supply and Starvation: a Study of Famines with reference to the Indian Sub-Continent", *Oxford Economic Papers*, xxxiv (1982).

<sup>2</sup> G. E. Mingay, "The Course of Rents in the Age of Malthus", in Michael Turner (ed.), *Malthus in his Time* (Basingstoke, 1986), pp. 90-1



was further supported by enclosures, which reached a peak in the war years when three million acres, or 9 per cent of the land area of England, came under parliamentary enclosure, much of this coming under the plough for cereal crops.<sup>1</sup>

This prosperity did not pass unnoticed among the woollen workers, colliers and "proto-industrial" manufacturers who lived adjacent to prospering farming areas. It is in this context that the confrontations of 1795-96 and 1800-1 must be seen. Dr Roger Wells's *Wretched Faces* (1988) is the most copiously documented study of every aspect of these years of dearth that we have or are ever likely to have, and one must express gratitude to him for his archival industry and for the illumination that flows from many of his pages. Yet certain of his conclusions seem to be to be wrong-headed and to be contradicted by his own evidence, and this may be because even Dr Wells has been unduly influenced by the seeming common-sense of the Smithian (FAD) approach.

There were of course serious harvest short-falls in these years, and the country might have faced real famine conditions if there had not been considerable foreign imports.<sup>2</sup> But when Roger Wells writes that the implementation of "the moral economy" was "a recipe for disaster"<sup>3</sup> he is taking too narrow a view of the question. His case against "the moral economy" — a catch-all term which he uses throughout his major study to indicate *any* measures taken by the authorities or imposed by the crowd to protect the consumer, to regulate markets or to control price — is at times as alarmist as that of Edmund Burke or the duke of Portland. He argues that market disturbances "decimated

<sup>1</sup> Michael Turner, "Corn Crises in Britain in the Age of Malthus", in Turner, *op. cit.*, p. 120.

<sup>2</sup> Adam Smith's doctrine of non-interference in the grain trade was limited, in his digression, to the *inland* trader. Wells is mistaken when he supposes (e.g. *Wretched Faces*, p. 7) that vigorous governmental exercises in the import of corn during a time of shortage was in breach of Smithian precepts. But (in Smith's doctrine) government must not then intervene in the internal market by selling off imports beneath the self-regulating market rate, and this was generally avoided in the 1790s by selling off the cargo immediately at the port of arrival, at which sales representatives from inland towns and parishes often attended.

<sup>3</sup> Roger Wells, "The Revolt of the South-West, 1800-01", *Social History*, 6 (1977), p. 743; Wells, *Wretched Faces*, p. 230.

future supplies and then accelerated inflation", that "price controls aggravated the impact of violence", that "havoc followed where the Assize of Bread operated", and that the moral economy "directly stimulated violent populist intervention while simultaneously weakening community resolve to contain disorder".<sup>1</sup> And he conjures up visions of a vicious circle with "riot deterring supplies, empty markets stimulating renewed violence, and further disturbances annihilating commercial confidence":

Ultimately, from a global perspective, the entire country would be affected. In this context the 'positive' aspects of popular intervention, discouraging mercantile malpractice, militating against maximum exploitation, rivetting public attention on the poor's plight and galvanising greater relief measures, pale in significance. For these latter characteristics of protest, however important, were essentially localised. The historian's assessment of riot must also adopt governmental criteria. Macro, as opposed to micro economic examination of the grain trade reveals the dangers of protest to national subsistence in general, and the consumption centres in particular. Staving off starvation in the most vulnerable locations necessitated the speediest suppression of riot.<sup>2</sup>

The trouble is that hunger is usually "localised" (in the stomach). Deaths from starvation appear as localised micro-dots. Roger Wells has been reading too many state papers of Pitt's war administration and has been drawn into their feed-back loops. Moreover in his over-coloured language ("disaster", "decimated", "violence", "violent populist intervention", "annihilating") we have moved a long way from the self-disciplined and often bloodless direct actions of the crowd, with its "protocol" and "orderly disorder"<sup>3</sup> which recent historiography has disclosed and which Dr Wells's own researches confirm, and have moved back to the bad old school when every crowd was recorded as a violent gullible "mob".

There is something in Wells's case, and it is strongest when he cites — especially in the summer of 1795 — the widespread crowd blockades of the passage of grain by water or

<sup>1</sup> *Ibid.*, pp. 178-181, 230-6.

<sup>2</sup> *Ibid.*, p. 181.

<sup>3</sup> John Bohstedt, *Riots and Community Politics in England and Wales, 1790-1810* (Cambridge, Mass., 1983), p. 27.



by road. This embargo could have precipitated disaster in large centres of consumption such as Birmingham, Nottingham and Leicester, although it did not. In other matters Wells (uncharacteristically) offers thin and uncertain evidence. His few examples do not persuade that price regulation always "decimated" the future supply of those markets. Where towns or manufacturing districts depended upon a local food supply, the farmers also depended upon their local custom; and the crowd might visit the farmers with threats to requisition supplies. In the end the farmers must go back to the market and there was a complexity of influences upon their behaviour: relationships with the consumers, with their landlords, with their own consciences.

Roger Wells's assertion that "havoc" followed where the Assize of Bread operated" is supported by a single anecdote from Oxfordshire in 1800. But as it happens Oxford is the one centre for which we have a careful study of the operation of the Assize in the eighteenth century, and this by no means supports the ascription of "havoc". Dr Wendy Thwaites's research suggests that the operation of the Assize may have marginally raised the price of bread in Oxford in normal years but restrained the rise in years of dearth. It afforded to the market authorities, the bakers and the consumers "a sense of security in relation to each other",<sup>1</sup> and it should in any case be seen not in isolation but as part of a wider regulation which included weight and quality control. London also set an Assize of Bread throughout the eighteenth century, and so far from "havoc" food riots in the capital were rare.<sup>2</sup>

Roger Wells draws too one-sided a balance. It is true that Pickard, Birmingham's biggest merchant-miller, was forced out of business by the hostility of the crowd in September 1800.<sup>3</sup> But this did not leave Birmingham provisionless. There was another steam mill, the "Union Mill", although

<sup>1</sup> W. Thwaites, "The Assize of Bread in 18th-Century Oxfordshire", *Oxoniensia*, li (1986), pp. 171-81.

<sup>2</sup> Differing explanations for the rarity of food riots in London are to be found in George Rudé, *Paris and London in the 18th Century* (1970), pp. 55-7; John Stevenson, *Popular Disturbances in England, 1700-1870* (1979), pp. 99-100; Bohstedt, *op. cit.*, pp. 208-9. Undoubtedly securing the provisioning of London was a priority of State.

<sup>3</sup> See Wells, *Wretched Faces*, pp. 180-1.

this mainly supplied bread to its numerous tradesmen and operative subscribers, and at prime cost — perhaps a translation of "moral economy" principles into early co-operation.<sup>1</sup> And Pickard's mill was not closed: it was rented to a new company, as an emergency measure, to ensure the continued supply of the town. Pickard's son, Edward, recorded the erratic fluctuations in the fortunes of this emergency Company of "benevolent gentlemen":

One of the gentlemen was at Hull soon after the first term [of six month's rental] commenced, and having left Birmingham under a fearful impression that the town would be really without a supply of food, ventured to make a very large purchase of wheat. . . which had just arrived from the Baltic, and sent it to Birmingham on account of this new Company. How the wheat was paid for or by whom I know not: I presume their banker accommodated them with the money. . . Exorbitant as was the price of wheat at that time, it unexpectedly rose considerably higher: and although the Company was thus enabled to provide a large quantity of flour weekly to the poor at a lower rate than the general dealers, yet at the end of the first six months, they found their profits so large, that they feared some popular indignation on the exhibition of their accounts. They therefore applied to my father to prolong their term, which he did, to enable them, as they said, to make some diminution in their gains, and thus present to the public a more satisfactory statement. About the period of the renewal of the term, the price of wheat began to give way, and continued falling into the end of it: in consequence of which, and also from losses sustained on other large purchases again made early in their last term, these benevolent men sunk not only all their first six months profits, but also lost all the capital they had advanced.<sup>2</sup>

This story conforms to the properties of neither Smithian nor "moral economy" doctrine. It suggests that in these eccentric wartime conditions all parties in the grain market were playing blind man's buff. In any case, generalisations as to the characteristics and functions of food riots are risky if taken only from these war years, since they are a special case:

<sup>1</sup> Anon., "A Record of the Staff of Life from 1796 to 1900: at the Old Mill of the City", *Birmingham Magazine of Arts and Industries*, iii (1899). See also J. Tann, "Co-operative Corn Milling; Self-help during the grain crises of the Napoleonic Wars", *Agric. Hist. Rev.*, 28 (1980), p. 52; the Union Mill was founded in 1796 with 1360 subscribers, principally labouring workmen.

<sup>2</sup> MS notebook of Edward Pickard, Birmingham Reference Library, MS 22/11.



both the climax and the terminus of the riot tradition, in a context of war and invasion fears, with the gentry and their retainers under arms (as Yeomanry) and in a state of anti-Jacobin panic. These last years of the eighteenth century were also a watershed in marketing constituencies and practices, mid-way between the locally-supplied markets where consumers and farmers, magistrates and dealers, all knew something of each other, might come face to face with each other, and could "negotiate" prices, even by "riot"; and the more impersonal relations of the large urban markets which farmers rarely visited, supplied by dealers who purchased in distant markets.<sup>1</sup> Moreover the 1790s experience is further complicated by the deep inner divisions within the ruling authorities, with central government imposing *laissez-faire* dogmas but with some local authorities and traditionalist landowners attempting to control prices by persuasion, and giving a nod and a wink to the crowd. In such confused conditions we are likely to come up with contradictory findings, and with some examples of "havoc".

It is over the long view through the seventeenth and eighteenth centuries that the strongest case can be made for riot's "success". Two historians of the seventeenth century conclude that riots were "invariably successful in stimulating authoritative actions to alleviate grievances".<sup>2</sup> This is true in general of the eighteenth century also. Price regulation might even succeed, and the most persuasive analysis of the crowd's success will be found in John Bohstedt's chapter on "Devon's Classic Food Riots" in his *Riots and Community Politics in England and Wales, 1790-1810* (1983). He shows the small or medium-sized market town to be the classic site of crowd direct action (supported by the visitation of farmers in the neighbourhood), and suggests that such actions were supported by both horizontal and vertical networks of relationship within communities which had their own traditions and remembered their own precedents. In the

<sup>1</sup> These points are developed by Bohstedt, *op. cit.*, *passim*, especially in his contrast between Manchester and Devon's markets. Still in 1800 the Birmingham Union Mill normally obtained their supply in Birmingham market or within a radius of twenty miles: J. Tann, *op. cit.*, p. 54.

<sup>2</sup> Walter and Wrightson, *op. cit.*, p. 41.

vertical relationships he suggests that "social patronage" may be a more helpful term than "paternalism", a patronage which however entailed reciprocal duties and obligations. While riot, or direct action to bring down prices, was by no means legitimate, yet both the authorities and the crowd abided by a recognised "protocol". Rioters "did not challenge directly the whole system of property and power", and so long as this was so, and violence was avoided, the authorities were sometimes accomplices to price-fixing, recognising that "social peace was more important than absolute property rights or, rather, profit rights". Hence rioters "modified the property rights of farmers and food dealers. . . and their exertion of force at the margin of legitimacy and illegality was a real if limited exercise of political power". Indeed, "riots were a dynamic constituent moment in the system of property and power".<sup>1</sup>

John Bohstedt claims with confidence the Devon rioters' success: "riot would have been neither so frequent nor so orderly had there been no payoff". Food rioting of course appears in other national histories also, first in Europe and China,<sup>2</sup> subsequently in India and elsewhere. There is some suggestion that it marks a transitional phase between the

<sup>1</sup> Bohstedt, *op. cit.*, esp. chs. 2 and 9 and pp. 54, 202, 220-1. Cf. Thwaites, thesis, pp. 522-7, for an estimate of riot's effectiveness in prompting consumer protection.

<sup>2</sup> China provides an example of successful bureaucratic management of food supplies, during the Qing dynasty in the eighteenth century. The Chinese state undertook far-reaching measures to feed the people during times of scarcity; these included public granaries, the provision of loans, discouragement of hoarders, encouragement of circulation by canals and roads. This was supported by a "Confucian" value-system which endorsed the imperative of "benevolence", and by the popular belief that any regime which presided over disasters such as famine and flood had "lost the mandate of heaven". Hence everything to do with the distribution of food in time of scarcity was of highly-sensitive political import. The Chinese peasant did not beg for charity, he demanded relief and saw the bureaucracy as bound by its office to provide this, and the rich as bound by duty. Many actions of Chinese food rioters closely resembled European riots — blockading transport, attacking hoarders, lobbying bureaucrats and the rich — and riot was a recognised way of putting the state measures of relief in motion: Lillian M. Li, "Introduction: Food, Famine and the Chinese State"; R. Bin Wong, "Food Riots in the Qing dynasty"; Paul R. Greenough, "Comment"; all in *Journal of Asian Studies*, August 1982.



locally-based demographic *ancien régime* of absolute subsistence crises and the “modern” national “free market” regulated by price and by police alone.<sup>1</sup> Riot is unlikely to have had so universal an emergence if there had not been some “payoff”, some space in which direct action was a protection from the newly-liberated appetites of agrarian interests, a warning to speculators and profiteers and an alarm signal to the authorities to set emergency measures and charities into motion. Such action could (and can) take many forms, from humble petitions to threatening letters and arson,<sup>2</sup> or to blockades and attacks on mills, but it was always a profoundly political as well as economic event.

Riot, as “a dynamic constituent moment in the system of property and power”, has obviously taken different forms and significance in different national histories, and in the English case must be seen within the particular structure of patrician/plebeian relations which we have examined (chapter two), with its limits and its space for licence. But let us read back from the Indian and Irish evidence to the English. In a lucid study David Arnold has looked into the emergence of a food riot tradition in India, perhaps commencing in the Madras Presidency in 1876. Some 120 incidents swept South India in 1918-19, with similar characteristics and objectives to their counterparts in eighteenth-century England and France: the prevention of exports, forcing down of prices, and pressing local officials to take measures to ensure provision. Just as in England two centuries before, the “looting” of food shops did not result usually in the theft but in the spoiling of goods, and its intention was to humiliate dealers whom the crowd held to be guilty of profiteering and hoarding at a time of extreme hardship. Thus one function of riot was to moderate the appetite for profit unleashed by the developing “free market”, and Arnold relates its assertiveness to the

<sup>1</sup>For the interplay of other factors in different national histories, see Charles Tilly, “Food Supply and Public Order in Modern Europe”, in C. Tilly (ed.), *The Formation of National States in Europe* (Princeton, 1975), pp. 380-455; and Louise Tilly in Rotberg and Rabb (eds.), *Hunger and History*, pp. 143-8.

<sup>2</sup>For threatening letters, see my “The Crime of Anonymity”, in Douglas Hay et. al., *Albion's Fatal Tree*, pp. 325-41. For arson, see Wells, *Wretched Faces*, pp. 165-7.

transitional moment between locally-based markets and an emergent national grain market — a transition accompanied by sudden fluctuations of price, by the export of grain from areas affected by dearth, and ruptures of the customary channels of communication. He also suggests that, at least in the short term, riot was successful, in terms of its own objectives.<sup>1</sup> What this may suggest is that riot is functional, and may be expected to show itself at the same transitional moment in many national histories.

Why, then, does it not assert itself in Irish history? There were severe episodes of famine in Ireland in the eighteenth and early nineteenth century, long before the “Great Hunger”. But the Irish case is not as clear as it has sometimes been made to seem. It is often stated that there is not a tradition of food rioting in Ireland.<sup>2</sup> Yet during the serious famine of 1740-1, the Dublin paper, *Pue's Occurrences*, reported bakers' and mealmen's shops broken open by the Dublin mob, and the boarding of a ship on the Liffey (June 1740), an anti-export riot in Galway quelled by the army (August), anti-export and price-setting riots in Youghal and generally in Munster (December), shops in Limerick broken into (March 1741), and a boat loaded with oats for Waterford stopped on the river at Carrick-on-Suir, with troops firing on the crowd (April 1741).<sup>3</sup> That does not sound like a nation with no food riot tradition. Women were reported as rioters in Wexford in 1757<sup>4</sup> and in 1758 John Wesley found “the mob” busy in Sligo harbour, unloading a Dutch ship of corn bought up by forestallers “to starve the poor” — the mob brought it all to the market and “sold it for the owners at the common price. And this they did with all the calmness and composure imaginable, and without striking or hurting anyone”.<sup>5</sup>

Thus the “classical” food riot was certainly known to the

<sup>1</sup>David Arnold, “Looting, Grain Riots and Government Policy in South India, 1918”, *Past and Present*, 84 (1979).

<sup>2</sup>See for example George Rudé, *Protest and Punishment* (Oxford, 1978), p. 57, who says that food riot “played little part” before 1829-31.

<sup>3</sup>These examples were collected in a pamphlet published by the Foreign Office and Irish Office, *Famine in Ireland, 1740-41* (1847).

<sup>4</sup>*Gentleman's Magazine*, May (1757).

<sup>5</sup>Wesley's *Journal*, 27 May 1758.



eighteenth-century Irish, and it may be under-reported in general histories. If food riot failed to prevent exports and to relieve famine (as in 1740-1) this might account for a weakening of the tradition as the century wore on.<sup>1</sup> And one can only speculate as to the reasons for the divergent national traditions. Perhaps food rioters had less "political" clout in Ireland, since they did not threaten in the same direct way the stability and "face" of a resident governing gentry. Nor (in the absence of poor laws) did they stimulate in the same way an apparatus of relief, nor even (despite some examples) of gentry charity.<sup>2</sup>

Thus in Ireland food riots did not "work", partly because there was no political space (as in England) within which the plebs could exert pressure on their rulers. Arguing backwards from these cases we may pass the English evidence under review once more. Twenty years ago the notion that food riots could have served any positive function could scarcely gain the attention of historians. Smithian doctrine saw them as examples of social malfunction, while also postulating harvest short-fall (FAD) as sufficient explanation for most surges in the price of grain. What one scholar has called "an anachronistic reading of early modern society as a market society marked by the triumph of economic individualism", has given credibility to "a Malthusian model of social and economic change", which proposes an unproblematic and un-mediated relationship between harvest, price, and (until the seventeenth century) mortality.<sup>3</sup>

But recent advances in historical demography are now showing us a more complex set of events. A. B. Appleby clearly identified regional famine in the north-west in 1596-7 and 1622-3, and raised in interesting ways the question as to

<sup>1</sup>But food riots are reported in 1792, Samuel Clark and J. S. Donnelly (eds.), *Irish Peasants* (Manchester, 1983), p. 55; and in 1793, C. H. E. Philpin (ed.), *Nationalism and Popular Protest in Ireland* (Cambridge, 1987), p. 196 (counties Cork and Waterford).

<sup>2</sup>See L. M. Cullen and T. C. Smout, *Comparative Aspects of Scottish and Irish Economic and Social History* (Edinburgh, 1977), p. 10 and ch. 2.

<sup>3</sup>John Walter, "The Social Economy of Dearth in Early Modern England", in John Walter and Roger Schofield (eds.), *Famine, Disease, and the Social Order in Early Modern Society* (Cambridge, 1989), pp. 82, 121.

why the rest of England had managed to escape starvation. Several cogent reasons have been proposed for the difference in the "ecology of famine" between the north-west and the south. And to these may be added the differential effectiveness of measures of relief, which ensured that what little surplus grain was available was brought to market or transferred at subsidised rates to those in most need. The *Book of Orders* may have had more than symbolic functions and (with the aid of poor relief and charities) have mitigated the effects of dearth in the south, whereas the north-western region was not only pastoral and corn-poor, it also lacked the administrative and financial structures to set the *Book of Orders* in motion.<sup>1</sup>

Wrigley and Schofield's important *Population History of England* enables us to pursue these arguments further. While it is usually argued that the threat of famine had passed from England by 1650, a weak relation between grain prices and mortality can be shown until 1745. A weak relation (when generalised across the nation) might mask sharp local crises, or differential mortality in which the excess deaths fell chiefly among "the poor", or certain exposed groups. Moreover, the threat of famine had not moved far away. Wrigley and Schofield examine a sample of 404 parishes between 1541 and 1871 for years in which the death rate in many parishes was markedly above trend; 1727-9 and 1741-2, which are dearth and riot years, appear high on the table (with death rates from 30 to 40 per cent above trend), although other riot years — 1709, 1757, and 1795 — do not.<sup>2</sup> But these cannot be confidently identified as local subsistence crises, since epidemics may have caused the high mortality.<sup>3</sup>

These are complex questions. For the purposes of our argument it is sufficient to note that local crises persist into the eighteenth century, that harvest shortfall or high prices have a differential impact upon different (even neighbouring) communities, and that insignificant movements in national

<sup>1</sup>John Walter and Roger Schofield, "Famine, Disease and Crisis Mortality in Early Modern Society", in *ibid.*, p. 47.

<sup>2</sup>E. A. Wrigley and R. S. Schofield, *The Population of England, 1541-1871* (Cambridge, Mass., 1981), p. 653. The riot years 1766-7 show a death rate 10.4% above trend.

<sup>3</sup>See *ibid.*, pp. 668-9.



statistical series may mask very sharp local suffering. Moreover, "by far the highest overall incidence of [local] crisis mortality occurred in the south-west, in an area extending from south Gloucestershire and west Wiltshire through Dorset to Devon": i.e. precisely one of the strongest food riot areas in the eighteenth century.<sup>1</sup>

This suggests that rioters had good reasons for concern, and for actions in self-defence. And that in high-price years they were pressed close to a margin, so that even small modifications of their market situation might make a mortal difference. There were many ways of obtaining subsistence, not all of which depended upon the market,<sup>2</sup> and in emergency "the poor" were not altogether without resources. A correspondent writing from "a manufacturing neighbourhood" in the West at a time of low employment and high prices (1741), concluded:

The poor every month grow poorer, for their clothes apparently wear into rags and they are in no capacity of buying new ones. They have sold almost all their little superfluities already, or perhaps one had a gold ring, another two or three pewter dishes, a third a brass pot or kettle; these they have been disposing of to buy bread for themselves and families. . .<sup>3</sup>

That is not (yet) a crisis of subsistence, but it is the context for chronic malnutrition.

One should not misread "entitlement theory" to conclude that there were no such things as failures of grain supply, and that every dearth is man-made. What Sen shows is that, given a shortfall in harvest, the way in which the supply is distributed between social groups is decidedly man-made, and depends upon choices between means of allocation, of which market price is only one among many. Even in times of dearth there was always some supply, and the problem was how to squeeze this surplus out of granaries and barns and

<sup>1</sup> *Ibid.*, p. 692.

<sup>2</sup> See John Walter, "The Social Economy of Dearth", a good deal of which still applies in the early eighteenth century.

<sup>3</sup> "Philo-Georgius" to duke of Newcastle, 7 Dec. 1741, Brit. Lib. Add MS 32, 698, f. 496.

direct it to those in most need.<sup>1</sup> The measures comprised in the *Book of Orders* worked reasonably well, and it is not clear why they lapsed after 1630. In a clearly-argued essay, Dr Outhwaite has suggested that the complexity and inefficiency of their operation resulted in "disenchantment".<sup>2</sup> But interest and ideology might also be awarded a role, as the market oriented, cereal-growing landed classes became more influential in the state. For long periods after 1660 the problem was not dearth but abundant production, low prices and rent arrears, and mercantilist theory was preoccupied with cereal export (and bounties). In such conditions the Tudor measures of provision lay dormant, although they were not forgotten in high-price years. In 1693 in Oxfordshire the crowd took the corn "as it was carrying away by the ingrossers, saying they were resolved to put the law in execution since the magistrates neglected it".<sup>3</sup> "Some of our rioters" (a dealer wrote in 1766) "have been so infatuated as to think they were only assisting the execution of wholesome laws. . ."<sup>4</sup>

What may have eased the abrogation of the *Book of Orders* was the growing effectiveness of the poor laws in providing an institutional safety-net for those with a settlement. The responsibility which the central authorities refused was taken back to the parish or to the urban corporation. And alongside this limited relief, in times of dearth the local traditions of charity had more vitality than they are sometimes credited with. In a sense the Tudor practices of "house-keeping" and of hospitality were extended into the eighteenth-century landed gentleman's contest, through large

<sup>1</sup> Professor Sen continues to lay great stress on the *political* context of famine in the twentieth century. Governments which are accountable to public opinion are more likely to exert themselves in relief measures than those which are not, and "it is hard to find a case in which a famine has occurred in a country with a free press and an active opposition within a democratic system": Amartya Sen, "Individual Freedom as a Social Commitment", *New York Review of Books*, 14 June, 1990.

<sup>2</sup> Outhwaite, "Dearth and Government Intervention", p. 404.

<sup>3</sup> "The Life and Times of Anthony Wood, Antiquary of Oxford, 1632-95", ed. A. Clark, cited in W. Thwaites, "The Corn Market and Economic Change: Oxford in the 18th Century", *Midland History* (forthcoming).

<sup>4</sup> *Reflections on the Present High Price of Provisions*, p. 27.



gestures of "liberality", for local influence.<sup>1</sup>

In every high-price year — at least until the 1760s — substantial landowners came forward in most parts of the country, sending corn at reduced rates to market as an example to others, selling off cheap grain at their gates, ordering their tenants to supply the market at moderate rates, entering into county agreements to reduce prices and to prosecute those who sold by sample, forestallers, etc., and so on. (By the 1780s and 1790s opinion was more divided, and those — like the earl of Warwick — who continued the old charitable gestures, tended to mark themselves out as traditional "Tory" paternalists.) This tradition of highly-visible charity may in part be ascribed to humanitarian motives and to an approved self-image of the gentry as protectors of the poor against heartless employers, mean parish overseers and grasping middlemen. But it was also a calculated stance in the culturally-constructed alliance between patricians and plebs against the middling orders, and it distracted attention from the landowners' prosperity to point to prominent Dissenters and Quakers among the profiteering food dealers.<sup>2</sup>

Viewed from this aspect, poor laws and emergency charities were constituent components of the system of property and power. Indeed, subsidies and subscriptions can often be seen as direct moves to buy off riot, or even as a reward for not rioting.<sup>3</sup> John Bohstedt has warned us:

<sup>1</sup>Much of what John Walter writes about seventeenth-century charities in time of dearth applies equally to the first seven decades of the eighteenth century: Walter, "Social Economy of Dearth".

<sup>2</sup>So widespread was the abuse of Quaker dealers that the Friends issued a public statement in 1800: "The Society of Friends. . . having been for some time calumniated as oppressors of the laborious and indigent classes of the community, by combining to monopolize those necessary articles of life, Corn and Flour, think themselves called upon to vindicate their own innocence and integrity. . .": *Meetings for Sufferings*, xl, pp. 404-6, 6 October 1800 (Friends House Library, London). My thanks to the Librarian, Malcolm Thomas.

<sup>3</sup>In 1766 local gentry raised a subscription in Melksham "in consideration of the poor not having joined in the late riots which occurred all round the town", and beef was distributed to over 1,600 poor persons. But the beef was given in November, months after the height of the crisis had passed. Dr Randall suggests that the riotous poor of Chippenham,

It is not historically useful to separate the undoubted humanitarianism of these charities from their function in preserving class rule. Plebeian misery assaulted the conscience of the wealthy and challenged their capacity for remedy, just as it threatened to assault their property and challenge the legitimacy of their political monopoly.

In the 1790s "a waning 'paternalism'. . . was merely thinly-disguised self-preservation".<sup>1</sup>

From the 1790s this was the case, and the supposed threat of "Jacobinism" provided an additional spur. But in earlier decades one can perceive a kind of social bargain, less calculating and more unconscious — a kind of obligatory dues paid for the everyday exercise of hegemony. It gave a character of liberality to some country gentry which allows one to forgive them other sins. "In this sense", John Walter has written, "years of dearth continued to provide an arena in which the nature of social responsibilities between the poor and their betters could be continually re-negotiated". But over the longer course, what had been once perceived as reciprocal duties (and by the labourers as rights) became re-defined as "discriminatory and discretionary charity". If "the poor" escaped "vulnerability to crises of sub-subsistence" it was at the cost of becoming "enmeshed in a web of deference and dependence".<sup>2</sup> Yet if this is true of rural England — and perhaps of some towns — the record of food riot shows an alternative.

In any case, relief measures cannot be shrugged off as only a matter of gestures or as an exercise in social control. There is reason to suppose that they may have mitigated crises of subsistence. If the margin between a poor subsistence and (for groups at risk) famine was small, then marginal

Stroud, Frome or Bradford (Wiltshire) might have done better: A. J. Randall, "Labour and the Industrial Revolution in the West of England Woollen Industry" (Univ. of Birmingham Ph.D. thesis, 1979), p. 166.

<sup>1</sup>Bohstedt, *op. cit.*, pp. 96-7, 48. See also Peter Mandler's discussion of the conversion of the landed gentry in these years from a weak paternalism which acknowledged the customary rights of the poor to a language of the "natural order" (as defined by Smith and by Malthus) in which "the only true natural right" is that of property: "The Making of the New Poor Law *Redivivus*", *Past and Present*, 117 (November 1987).

<sup>2</sup>Walter, "Social Economy of Dearth", pp. 127-8; Walter and Schofield, "Famine, Disease and Crisis Mortality", p. 48.



redistribution to those in most need may have mattered enough to have shifted a demographic digit. Even between neighbouring towns the different profile of riot/relief might have influenced mortality. The patchwork of poor laws, charities, subsidies — even petty measures like limits upon malting, banning hair-powder, or commending austere diets to the deferential middling orders — might have added their mite to someone's survival.

This is simply to rehearse that food supply (and indeed demography) have their own kind of politics, in which riot may be seen as a rational and effective agent. If there had been no food riots then this whole elaborate patchwork of protection might never have come into being. If we say, with Roger Wells, that "staving off starvation in the most vulnerable locations necessitated the speediest suppression of riot", then we are taking a short-term view of the need, in emergency, to force the traffic in grain through a popular blockade. Over the longer-term view of two centuries and more, riot and the threat of riot may have staved off starvation, sometimes by actually forcing prices down, and more generally by forcing Government to attend to the plight of the poor, and by stimulating parish relief and local charity. The thesis then must be that the solidarities and collective actions of the urban working people, and in the manufacturing and mining districts, did something to bring the crisis of subsistence to an end. And conversely — but as a more tentative hypothesis — it might be that the comparative *absence* of riot in nineteenth-century Ireland and India was one factor (among others) which allowed dearth to pass into famine. And if this is the case, then the best thing that we, in our affluence, can do to help the hungry nations is to send them experts in the promotion of riot.<sup>1</sup>

<sup>1</sup>Wendy Thwaites, who kindly read these pages in manuscript, has very sensibly rebuked me for even making this joke. She points out that the resources of modernised hungry nations have advanced since the eighteenth century, and (citing Nigel Twose, *Cultivating Hunger* (Oxfam, 1984)) describes a vehicle developed to deter food rioters in the Dominican Republic of Haiti: "the AMAC-I has nineteen weapon points, four multiple grenade launchers, a water canon, an infra-red video camera for surveillance, and its bodywork can be electrified with a 7,000 volt charge". She concludes that for riot to work there "have to be certain constraints on

I say this only partly in jest, for what are at issue are the community defences and the political influence of the working people. At the very least, rulers are likely to be more busy with the relief of the poor if they fear that otherwise their rule may be endangered by riot. I don't, of course, suppose that there was (and is) one alternative and universal set of remedies, "the moral economy", for the successful overcoming of dearth and the prevention of famine. It is exactly against such universalist dogma (the "free market") that I have been arguing. Perhaps all that can be expected in times of crisis is energetic improvisation, using whatever resources and options lie to hand. If political economy rests upon persuasive but misleading metaphors (such as "rationing"), the moral economy nourished its own irrationalisms and superstitions, such as the popular conviction that every dearth was the consequence of hoarding and speculation, "artificial scarcity", or even some malevolent *pacte de famine*.

A case can always be made on both sides of the question. The exemplary punishment of profiteers<sup>1</sup> or fraudulent dealers has sometimes had a beneficent effect upon prices, but the draconian imposition of price maximums has on occasion summoned forth a black market or a producers' strike (the peasants withholding supply) with consequences

---

how far the authorities will go in repression". I have left my jest in because it enables me also to include her thoughtful caution.

<sup>1</sup>Adam Smith in his digression took a benign view of profiteers, since (a) the high profits of years of scarcity compensated dealers for the modest returns of normal years, and (b) the excessive profits of a few might be the inevitable price to pay for the market's functions for the general public. In any case, hoarders and profiteers (if they misjudged the market) would be caught out when prices fell. No-one has as yet succeeded in finding a way to study systematically the question of hoarding and profiteering in eighteenth-century high-price years, nor is it easy to see how it could be done. But that is no reason for the widely-held dogma that its effect (if it happened at all) was insignificant, and that no case can be made for excessive prices (in a seller's market, shored up by Corn Laws) which transferred wealth from the petty consumers to the grain-growing interests. Some scholars show great expertise in such matters as the behaviour of rats and fleas, or in the ratios of seed-corn to available harvest surplus, while stubbornly refusing to acknowledge rather large factors such as human greed.



no less baneful than those of doctrinaire *laissez-faire*. The mentality of urban revolutionaries has sometimes been profoundly hostile to the peasantry, and in the twentieth century collectivist states have precipitated famines as appalling as those presided over by complacent political economy. Some theorists today are interested in remembering the first, and in forgetting the second, which are tidied away as unmentionable in little exercises of political thought. For that reason I have redressed the account, to show that rioters had their reasons.

And (in conclusion) more caution might be proper in the use of the term, "market". I return to my earlier question: is market an actual market or is it a metaphor? One hears on every side these days talk of "a market economy". When this is contrasted with the centralised direction of old-style collectivist states one understands what is being described. And, very certainly, the "market" here is beneficial and can also be democratic, in stimulating variety and in expressing consumer choice. But I cannot clearly say what was "a market economy" in eighteenth-century England; or, rather, I cannot find a non-market-economy to contrast it with. One cannot think of an economy without a market; and even the most zealous food rioters, such as Cornish tanners or Kingswood miners or West of England clothing workers,<sup>1</sup> were inextricably committed to the market, both as producers and as consumers. How could they have existed for a month or a week without it? What we can find are different ways of regulating the market or of manipulating exchanges between producers and consumers, to the advantage of one party or the other. It is with the special case of the marketing of "necessities" in time of dearth that we have been concerned,

<sup>1</sup>We are fortunate in having excellent studies of these groups of workers, both in their capacities as (hard-bargaining) producers and (riotous) consumers. Even "custom" was not pre-market or non-market but a particular community consensus as to the regulation of wages and prices. See J. G. Rule, "The Labouring Miner in Cornwall, c. 1740-1820", (Univ. of Warwick Ph.D. thesis, 1971), esp. pp. 116-80; R. W. Malcolmson, "A Set of Ungovernable People", in J. Brewer and J. Styles (eds.), *An Ungovernable People* (1980) (the mining population of Kingswood); A. J. Randall, "Labour and the Industrial Revolution in the West of England Woollen Industry" (Univ. of Birmingham Ph.D. thesis, 1979).

and the crowd's preferred model was precisely the "open market" in which the petty producers freely competed, rather than the closed market when large dealers conducted private bargains over samples in the back parlours of inns.<sup>1</sup>

The "market economy", I suspect, is often a metaphor (or mask) for capitalist process. It may even be employed as myth. The most ideologically-compelling form of the myth lies in the notion of the market as some supposedly-neutral but (by accident) beneficent entity; or, if not an entity (since it can be found in no space but the head) then an energising spirit — of differentiation, social mobility, individualisation, innovation, growth, freedom — like a kind of postal sorting-station with magical magnifying powers, which transforms each letter into a package and each package into a parcel. This "market" may be projected as a benign consensual force, which involuntarily maximises the best interests of the nation. It may even seem that it is the "market system" which has "produced" the nation's wealth — perhaps "the market" grew all that grain?

Market is indeed a superb and mystifying metaphor for the energies released and the new needs (and choices) opened up by capitalist forms of exchange, with all conflicts and contradictions withdrawn from view. Market is (when viewed from this aspect) a mask worn by particular interests, which are not coincident with those of "the nation" or "the community", but which are interested, above all, in being mistaken to be so. Historians who suppose that such a market really could be found must show it to us in the records. A metaphor, no matter how grand its intellectual pedigree, is not enough.

### III

Let us next take the question of the role of women in food riots. In 1982 Jennifer Grimmett and M. I. Thomis published a helpful chapter on the theme,<sup>2</sup> in which they raised but left

<sup>1</sup>*Mist's Weekly Journal*, 12 March 1726 reported that the mob rose on market days in Northampton, Kettering, Oundle, Wellingborough, Stony Stratford, because farmers would not bring corn to the market-place "but kept it in the Inns". At Towcester a riot was prevented by the Cryer giving notice that corn must be brought "into open market".

<sup>2</sup>Malcolm I. Thomis and Jennifer Grimmett, *Women in Protest, 1800-1850* (1982), ch. 2. This is based on a survey of published sources and some use of newspapers in 1800 and 1812.



unanswered the question as to which sex was the more prominent. Kenneth Logue, in a study of "meal mobs" in Scotland found that women were very active, although they comprised only 28 per cent of those charged before the courts. But this was possibly because "they were less likely to be prosecuted than their male colleagues", so that, again, the question is left open.<sup>1</sup> In 1988 John Bohstedt sought to bring a conclusive answer in a substantial article which purports to demolish "the myth of the feminine food riot".<sup>2</sup>

Bohstedt's conclusions are as follows:

Women did not dominate food riots; food riots were not a distinctly feminine province. . . . Women typically joined men in food riots. . . . Women's co-operation with men is much more significant than the monopoly suggested by the older view. Women were significant partners to men as bread rioters partly because they were essential partners as bread-winners in the household economies of pre-industrial society and partly because bread riots were still effective politics in stable small-to-medium-sized traditional towns.

These conclusions are sustained in two ways. First, John Bohstedt presents what purport to be refined statistics of all riots in England and Wales between 1790 and 1810. Second, he introduces some pages of speculation as to gender roles in the proto-industrial household economy.

I have already expressed my admiration for Bohstedt's major study of riot. And there is interesting material in this new article. But the piece obscures as much as it reveals. The first difficulty is that there is no "myth of the feminine food riot" to demolish. No-one, no historian, has ever suggested that food riots were a "monopoly" of women or were predominantly feminine, and Bohstedt can show none. The best that he can do is hold up to censure Barbara and J. L. Hammond for writing (in 1911) of the crisis year of 1795 as the year of "the revolt of the housewives", because of "the conspicuous part taken by women" in the food riots.<sup>3</sup> That

<sup>1</sup>Kenneth J. Logue, *Popular Disturbances in Scotland, 1780-1815* (Edinburgh, 1979), pp. 199, 202-3.

<sup>2</sup>John Bohstedt, "Gender, Household and Community Politics: Women in English Riots, 1790-1810", *Past and Present*, no. 120 (August 1988), pp. 88-122. The claim to have demolished "the myth of the feminine food riot" is at pp. 90, 93.

<sup>3</sup>*Ibid.*, p. 88. J. L. and B. Hammond, *The Village Labourer* (1911; reprint 1966), pp. 116-8.

does not constitute a "myth", so that we are being led into a spurious polemic. Previous historians have, perhaps, not always given enough attention to women's part in riots, but most have agreed that women were highly visible rioters and were frequently involved. Since all historians show riots in which men also were highly visible, or in which men and women acted together, no-one has suggested that food riots were "a distinctly feminine province".

In his eagerness to drive this mythical opponent from the field, Bohstedt introduces his tables. He has with great industry assembled a "sample" of 617 riots between 1790 and 1810 and he drills this sample through various statistical manoeuvres. Now I don't know what to say to this. There are times when his figures are helpful — for example, in showing a rough division between different occasions for riot. And Bohstedt is a careful scholar who sometimes remembers the limitations of his evidence. But in general his history becomes less credible the more he surrenders to his own figures and the further he gets away from "literary" and contextual sources. This is because much of the evidence is too "soft" to be introduced to the hard definitions of a table. And when one looks at some of John Bohstedt's counting, the points at issue may seem absurd. Of his 617 riots he is able to identify 240 as food riots. These are further refined as:

A. Women dominant	B. Women and men	C. Men only	D. Gender unknown
35	42	81	82

If one deducts D, and puts A and B together, then 77 out of 158, or 49 per cent of these food riots had female participation and 51 per cent did not. So that if one wished to claim that women took part in "most" food riots, one would be at fault by 2 per cent. But, putting B and C together, one would discover that 123 out of 158, or 78 per cent had male participation — which could be a step on the way to a myth of a male food riot, to be demolished by a subsequent generation of computers.

When Bohstedt offers to drill these figures through more refined manoeuvres (such as violence and disorder quotients), he must make anyone laugh who is familiar with the source material which he is using. Let me explain some of the difficulties. There are, first of all, the difficulties in gathering



any reliable count. These are familiar, and have often been discussed.<sup>1</sup> Bohstedt's sample is drawn from the *Annual Register*, two London newspapers, and the in-letters to the Home Office concerning disorders (HO 42). This is a wide survey, but the provincial coverage of the London press was patchy, JPs might not always wish to report their local affairs to the central authorities, the sample tends to over-report dramatic or violent affrays and under-report quieter episodes (hence possibly under-reporting women's participation), and so on. When compared to regional studies which draw upon local sources, Bohstedt's sample shows a serious under-count. A most thorough study, by Alan Booth, of food riots in the north-west of England in the same years, lists forty-six disturbances of which only twelve are in Bohstedt's sample. Booth adds that "in most riots where sexual composition was recorded women appear to have been both more numerous and particularly active", and he goes on to cite thirteen examples. Hence Booth's examples (which he does not suggest are exhaustive) exceed the total of Bohstedt's count of food riots in all categories, which *must* undercount the feminine presence.<sup>2</sup>

Next, we must consider the nature of the evidence which is being used. How does it come about that in eighty-two cases (or more than one third of the sample) the sex of the rioters is unknown, and how hard or soft is the evidence in the eighty-one cases of men only? The evidence often comes in a sexually-indeterminate vocabulary: "rioters", "the mob", "the poor", "the inhabitants", "the populace". Let us take a letter of 12 July 1740 from Norwich, published in the *Ipswich Journal*, which describes a riot by "the common People", "the meanest of the People", "the Multitude,":

About Eight in the Evening the Mayor committed three or four disorderly Fellows to Prison; which Act so incens'd the Mob, that they broke open the Prison, releas'd their Companions, and have scarce left

<sup>1</sup>The best comment is Roger Wells, "Counting riots in eighteenth-century England", *Bulletin of Lab. Hist. Soc.*, 37 (1978), pp. 68-72. Alan Booth discusses successive errors in estimates in his excellent and dense study, "Food Riots in the North-West of England, 1790-1801", *Past and Present*, 77 (1977), esp. pp. 89-90.

<sup>2</sup>Bohstedt, *Riots and Community Politics*, pp. 11-14, 230-1; Booth, *op. cit.*, pp. 98-9.

a Pane of Glass in the whole Prison. . . Upon this Outrage of the Mob, an unthinking Gentleman is said to have taken a Musket out of the Hands of a Dragoon, and shot a Man thro' the Head. You will imagine how this enrag'd the Populace; and the Consequence of that Evening's Work was, three Men, a Boy, and two Women, were shot. . .<sup>1</sup>

This report commences as indeterminate (D), becomes male (C) at "disorderly Fellows", and moves sharply across to (B) — women and men — only when the dragoons, by firing point-blank into the crowd, take a random sample. Amongst all the indeterminate ("mob", "populace") and male vocabulary, the first mention of women, in a long report, is when two of them are shot. A similar sexually-indeterminate crowd, in 1757, descended on a Hereford miller, and insisted on searching his house and mill for grain. The miller refused:

Yet they persisted in having another search, saying that if he had no grain he had some money, upon which declaration there was necessity for firing on them in which four women and two men were wounded, which occasioned the rest to disperse.<sup>2</sup>

Again and again reports of "mobs" leave them sexually indeterminate until the moment of some action or arrests make individuals visible. Nor is this any indication of sexist bias in the reporter. The bias (if there is one) is more likely to be in the mind of the twentieth-century historian or reader whose expectations, when he reads of "mobs", are of crowds composed of men, and who reads the accounts accordingly. Perhaps, in the later nineteenth century, "the mob" became a male noun? But the image called to the eighteenth-century mind by these collective nouns was very different — for them a "mob" suggested women, men and (often) older children, especially boys. I think it probable that Bohstedt's table is misleading, and that many riots in column (D) (gender unknown) and some in (C) (men only) were mixed affairs.

Moreover, these figures which enter the tables, whether derived from the press or from a letter to the Home Office, normally report a particular moment of riot — perhaps its

<sup>1</sup>*Ipswich Journal*, 26 July 1740. I am indebted to Robert Malcolmson for this.

<sup>2</sup>*Bristol Journal*, 11 June 1757, cited in Jeremy N. Caple, "Popular Protest and Public Order in 18th-century England: the Food Riots of 1756-7" (Queens Univ. Ontario, M.A. thesis, 1978), p. 102.



crisis — and they rarely describe its evolution. Yet a riot may pass through phases, for example it might commence with actions by women, be joined by men, and end with men alone. In my view there are two situations in which we may expect to find a predominantly male crowd. First, when disciplined male working groups, accustomed to acting together, spearhead the riot: such may be the case with coal miners, keelmen, Cornish tanners, and seamen. In the second case, when heavy conflict is expected with the authorities, the women sometimes seem to fall back — or perhaps are asked by the men to do so.

Yet the evidence is not as tidy as that. Miners and tanners were archetypal male rioters, yet also it is notorious that the whole communities shared in their movements. The Kingswood “mob” is usually thought of as masculine, for example in its destruction of turnpikes and toll-gates. But on occasion its resistance to authority was more like a rising of the whole district. During riots against the cider tax of 1738 the excise officers were “resisted by that savage Crew by Fire Armes”: “there are now in the Forest not less than 1000 Men, Women and Boys in Armes, destroying all before them. . .”.<sup>1</sup> In 1740 the Kingswood colliers marched into Bristol and demonstrated against the price of corn at the Council House, leaving behind “their usual Armour of Clubs and Staffs”, but accompanied by “some weavers, colliers’ wives and abundance of other women”.<sup>2</sup> Both the absence of “armour” and the presence of women suggests (on that occasion) a commitment to peaceable courses.

In 1740 the north-east was swept with food riots, which culminated in the sacking of the Newcastle Guildhall. (See above p. 70 & p. 231.) Pitmen and keelmen were prominent in this, and at a superficial view this might appear as a male riot. But a longer and closer view will show an alternation of male and female presence. The regional actions against export were first raised in Stockton by “a Lady with a Stick and a horn”. (See above p. 233.) Women as well as men took part in boarding vessels loaded with corn, and forcing them

<sup>1</sup>G. Blenkinsop, 14 Oct. 1738 in PRO, T 1/299(15).

<sup>2</sup>*Northampton Mercury*, 6 Oct. 1740; R. Malcolmson in Brewer and Styles, *op. cit.*, p. 117.

to off-load to the crowd on shore.<sup>1</sup> When — after three weeks of popular export embargo — the Sheriff raised the *posse comitatus* against them, the people of Stockton, to the number of three thousand, “sent for the Colliers of Ederly and Caterhorn”.<sup>2</sup> Meanwhile there had been small disturbances in Newcastle-on-Tyne, involving a group of women “incited by a leader calling herself ‘General’ or Jane Bogey, ringing bells and impeding the passage of horses carrying grain through the town”.<sup>3</sup> After five women had been committed,<sup>4</sup> the troubles in Newcastle died down, only to resume on a much greater scale in mid-June, with the involvement of keelmen and pitmen (who struck their pits). In the first phase, “a body of 3 or 4 hundred men women and children” came into the city and demanded corn at a low rate; granaries were broken into, and the crowd marched about the streets in triumph, huzzaing and blowing horns. The magistrates then summoned and armed the Watch and Ward and seized some prisoners; the crowd then appears in accounts as increasingly male, with “Colliers, Wagoners, Smiths and other common workmen”, well armed with cudgels, breaking open the keep and releasing the prisoners, and marching in great discipline through the town with drum, bagpipes and mock colours.<sup>5</sup>

Other episodes were to follow, including the firing on the crowd and the attack on the Guildhall. My point is to illustrate the evolution of a food rioting crowd, which may now be incited by women, may then become of assorted sexes and ages, and may then (when rescue and confrontation are the object) become predominantly male. But none of this should be stereotyped. The most careful historian of the affair observes that the role of women and children was under-

<sup>1</sup>Edward Goddard, 24 May 1740 in PRO, SP 36/50/431 and miscellaneous depositions in SP 36/51.

<sup>2</sup>J. J. Williamson, Sheriff of Durham, 10 June 1740 in PRO, SP 36/51.

<sup>3</sup>Joyce Ellis, “Urban Conflict and Popular Violence: the Guildhall Riots of 1740 in Newcastle-upon-Tyne”, *Int. Rev. Social Hist.*, xxv, 3 (1980).

<sup>4</sup>“They were discharged at the Sessions a few days later.

<sup>5</sup>“Account of the Riots” by Alderman Ridley in Northumberland CRO, 2R1 27/8.



stated in subsequent investigations, and that of pitmen overstated. Women contributed to both physical and verbal episodes of violence, breaking into granaries and one woman going down on her knees in front of the magistrates and crying out "Blood for blood!".<sup>1</sup> The authorities came down most heavily upon the women who had unloaded wheat from a boat at Stockton,<sup>2</sup> whereas in Newcastle they selected the pitmen for indictment and passed over the women.

This shows whole communities in action, with one sex or the other coming into prominence as each assumes a different part. The episode might fall into any one of John Bohstedt's categories according to the moment at which it was reported. It also shows that the crowd might be made up of different elements, consciously playing different parts in co-operation with each other. There are other occasions when it is reported that the "people" sent for the miners to help them. In anti-export riots in St Asaph (Flint) in 1740 it was said that "men, women and boys" were joined by "Severall Colliers and Miners"; not only so, but it was alleged that the colliers "belonging" to Sir Thomas Mostyn were deliberately laid off, given cudgels, and encouraged to take part. In the event they completely dominated the affair, marching together under Mostyn colours and crying out "a Mostyn!".<sup>3</sup> In Coventry (1756) the poor — presumably of both sexes — "patted the colliers on the back and urged them to go thro with what they had begun".<sup>4</sup> And at Nottingham in the same year, the colliers negotiated an agreement with the mayor, and then, as they were leaving the town "a number of women. . . gave them money to come back, and showed them to a Windmill. . . having French stones". The colliers obligingly destroyed several mills in the vicinity.<sup>5</sup> In the anti-export

<sup>1</sup> Ellis, *op. cit.*, pp. 341-6.

<sup>2</sup> At Durham Assizes Anne Withy, Hannah Crone and William Young were transported for seven years for taking a large quantity of wheat out of a ship at Stockton. Three more women and one man were tried and acquitted: *Newcastle Journal*, 9 Aug. 1740. My thanks to Robert Malcolmson again.

<sup>3</sup> William Price, 13 June 1740 in PRO, SP 36/51, and various depositions in SP 36/50 and 36/51.

<sup>4</sup> PRO, SP 36/135.

<sup>5</sup> Caple, *op. cit.*, p. 82.

riots in Poole (Dorset) in 1737 (by contrast) the women took action, with the men supporting them and swearing that "if any one offers to molest any of the Women in their Proceedings" they would raise a great number of men and destroy both ships and cargoes" (above p. 233).<sup>1</sup>

Two unusual examples of supportive gender actions come from Scotland. In January 1813 in Montrose the magistrates tried to bully the town carters into loading grain onto ships, and the carters reluctantly promised to do so; but (surprise!) on their return to their homes they found that they could not, because their wives had locked the stables or sent the horses away. In 1801 in Errol the Volunteers were called out for possible action against a "meal mob". "As they were going to parade, some of the women, mainly the wives and mothers of the Volunteers, took their guns from them, but immediately gave them back." The crowd then stoned an inn with impunity, and, Kenneth Logue suggests, "It may be that women simply removed part of the firing mechanisms, rendering the weapons useless and relieving the Volunteers of the unhappy task of shooting at their own townspeople".<sup>2</sup>

A more elaborate series of actions was described in Exeter in 1757:

Last Market-Day some Farmers demanded 11s. per Bushel for Wheat, and were agreeing among themselves to bring it to 15s. and then make a stand. But the Graecians (as the Inhabitants of St. Sidwell's are called) hearing of this Complot, sent their wives in great Numbers to Market, resolving to give no more than 6s. per Bushel, and, if they would not sell it at that Price, to take it by Force; and such wives, as did not stand by this Agreement, were to be well flogg'd by their Comrades. Having thus determined, they marched to the Corn-Market, and harangued the Farmers in such a Manner, that they lowered their price to 8s. 6d. The Bakers came, and would have carried off all at that Price, but the Amazonians swore, that they would carry the first man who attempted it before the Mayor, upon which the Farmers swore they would bring no more to Market; and the sanguine Females threatened the Farmers, that, if they did not, they would come and take it by Force out of their

<sup>1</sup> Holles Newcastle to Secretary at War, 26 May 1737, PRO, SP 41/10.

<sup>2</sup> Logue, *op. cit.*, pp. 21. 44.



Ricks. The Farmers submitted and sold it for 6s. on which the poor weavers and woolcombers were content.<sup>1</sup>

One doubts whether the male "Graecians" could have "sent their wives" on such a skilfully exercised sequence of actions, unless they had mutually agreed upon their gender roles: which (in this case) left the action and the thinking to the women, and only the eating to the men.

A further (and insurmountable) difficulty is that evidence taken from the years 1790-1810, however skilfully it is counted, cannot support generalisations as to the feminine presence in food riots which extended over a period of well over two hundred years. After 1812 food riots in most parts of the country gave way to other kinds of (political, trade union) protest. So that John Bohstedt's quantities are taken from the last stages of the traditional riot, in which — as he himself argues — the role of women may have been changing. At the least, generalisations would have to be supported by a review of the evidence across the seventeenth and eighteenth centuries.<sup>2</sup>

Instead of attempting this, John Bohstedt leaps across to another line of argument altogether. He raises doubts as to whether women had a significant place in the market at all. Indeed, pursuing the rather fashionable ploy in the Western academy of offering oneself as more-feminist-than-thou, he suggests that those who offer women as marketers are pedlars of sexist stereotypes. I am one target of his scorn, since in my essay I had, while drawing particular attention to the very active part played by women, suggested that one reason for this might be that they were "those most involved in face-to-face marketing, most sensitive to price significancies, most experienced in detecting short-weight or inferior quality" (p. 234). Bohstedt challenges this: "It is an anachronistic mistake to assume that women's role in food riots grew out of some special female role as the shopper of the family. Nowhere is there evidence for the frequent assumption that in

<sup>1</sup>R. W. Malcolmson, *Life and Labour in England, 1700-1780* (1981), p. 118.

<sup>2</sup>Wendy Thwaites has found women present in Oxfordshire food riots in 1693, 1713, 1757, 1766 and 1795: Thwaites, thesis, table p. 472 (for 1795), pp. 485-6.

this period women were the primary shoppers. . .". "Plebeian women were income producers and earners, not unwaged housewives and shoppers confined by gender to the more modern role of 'home-making'." Indeed, he waxes indignant at the stereotype of his own invention: "Women were not simply housewife furies, drying their hands and heading off to the market or igniting there as a crowd of shoppers". He does not attempt to show who did the purchasing of provisions, or how,<sup>2</sup> but he develops instead hypotheses as to the "nearly coequal" relations between women and men in the proto-industrial household economy.

I agree that "housewives" and "shopping" are (in their current usage) anachronistic terms, although I used neither of them. I have a little difficulty, in that I don't regard skills in marketing or home-making as unimportant and inferior, although it is true that male-dominated cultures may make them seem so, and may then try to confine women to "inferior" roles. But there are really two questions here: an empirical question — who did the marketing and how? — and a theoretical question about the proto-industrial household economy, and we will take them in that order.

There is no single source to which one can go to establish gender roles in the market-place. Women were certainly present as sellers of food, although few were licensed dealers.<sup>3</sup> One might expect to find, in a market-town, a large throng of sellers of poultry, eggs, butter, vegetables, fruit and other locally-grown produce, and most of these were women: the wives, daughters and servants of local farmers,

<sup>1</sup>Thomas and Grimmett, *op. cit.*, p. 10, also accuse me, on the same grounds, of placing women "firmly in the market-place, if not exactly beside the kitchen sink"; and they also throw no light on how marketing was done.

<sup>2</sup>Bohstedt is strangely inconsistent. He suggests that men did the marketing (p. 116). But women (who did not normally do so and hence were confined to the household?) were nevertheless somehow knitting the networks of neighbourhood, and he commends a French study for noting that housework "overflowed into communal co-operation" in "fetching water and provisions, for example" (p. 98, my italics).

<sup>3</sup>See Wendy Thwaites' excellent study, "Women in the Market Place: Oxfordshire c. 1690-1800", *Midland History*, ix (1984), pp. 23-42, and, for the earlier tradition, Rodney Hilton, "Women Traders in Medieval England", in *Class Conflict and the Crisis of Feudalism* (1985), p. 213.



while others would be petty dealers from the labouring class. In a strictly governed market some of these might pay toll for stands — for example, at the Butter Cross (see Plate XVIIa) — but more commonly they would set out their wares on the periphery.<sup>1</sup> In 1816 a local historian described Bicester market —

I have heard many of the aged inhabitants say that they have formerly seen the whole market-hill covered with sacks of corn etc; the avenues leading to it crowded by the farmers' wives with their baskets of butter, eggs and poultry. . . .<sup>2</sup>

In fact the poultry, fruit and vegetable market was sometimes known as "the women's market". An experienced dealer, looking back to the 1760s, described the prosperous tourist market of Bath, where "the farmer, his wife, daughter, or servant", trudged there with "the best milk butter, whey butter, cheeses. . . roasting pigs. . . fattened bacon. . . black and white pudding, abundance of lard, chitterlings nicely cleaned, and made up by the hand of a neat dairy maid; variety of poultry. . . fresh eggs. . . fruits, flowers, herbs, honey, and the honey combs, &c, &c, &c."<sup>3</sup> By the 1790s this trade was being taken over by "jobbers, higlers, &c."<sup>4</sup> and as farmers became more prosperous it was the common complaint that farmers were "purchasing piano fortes for their daughters, instead of bringing their butter and eggs to market".<sup>5</sup>

It is less easy to identify the purchasers, although they were certainly of both sexes. Oxford, a well-regulated corn market

<sup>1</sup> In the early eighteenth century Lord of the Market of Woodbridge (Suffolk) was threatening to prosecute "persons who come to this town with fish, fowl, fruits, butter, cheese, eggs" on market days, and who carry these things from house to house, instead of taking a stand or stall in the market: Ipswich and East Suffolk CRO, V 5/9/6 - 3 (3). Perhaps similar attempts at control were behind a rash of prosecutions of petty dealers (garden stuff, fruit, fish) for regrating in Oxford in 1712: of 24 persons prosecuted, 21 were women: Thwaites, p. 30.

<sup>2</sup> J. Dunkin cited in *ibid.*, p. 29.

<sup>3</sup> J. Mathews, *Remarks on the Cause and Progress of the Scarcity and Dearthness of Cattle*. . . (1797), pp. 9-10.

<sup>4</sup> *Ibid.*, pp. 70-71.

<sup>5</sup> J. Malham (Vicar of Helton, Dorset, and Ordinary of the Wiltshire County Gaol), *The Scarcity of Grain Considered* (Salisbury, 1800), p. 43.

in the eighteenth century, has very little record of petty purchases, and the records show the main buyers to be bakers, millers and dealers. But petty purchases may have gone unrecorded. Or perhaps working people did not often buy a sack of wheat of a bushel of flour.<sup>1</sup> An inquest on Ruth Pierce, who died in bizarre circumstances in Devizes market in 1753, shows that she had clubbed together with three other women to buy one sack of wheat from a farmer.<sup>2</sup> Regions had differing practices, but by the mid-century in many parts of the South and Midlands working people were buying flour or bread, not wheat.<sup>3</sup> Five cases involving Assize of Bread offences (short-weight, etc.) came up at Oxfordshire Quarter Sessions, Epiphany 1758, from Ploughley Hundred, and four of the purchasers whose oaths were taken were women.<sup>4</sup> The Crown brief in 1766 against Hester Pitt and Jane Pitt shows that they stopped Mary Cooke in Ruscombe, near Stroud, as she was on horseback loaded with sixteen dozen of bread, pushed her off the horse and took the bread.<sup>5</sup> This reminds us that in the second half of the century, bakers' and hucksters' shops were increasingly common, that bread might be brought around by horse, or horse-and-cart, and that riot could be by women against women.

The evidence suggests to me that working people were not, by the 1790s, buying wheat, flour or bread in the market on market day, but getting it elsewhere, at inns, shops, or bakeries. Catherine Phillips tells us in 1792 that "it was formerly the custom of the wives of labourers and artificers to purchase, on market days, two or three gallons of malt, which would perhaps brew tolerable good table beer for the week", but they were now ceasing to do so since the malt tax

<sup>1</sup> Thwaites, thesis, i, pp. 208-21, discusses the question with care.

<sup>2</sup> "Inquisition on Ruth Pierce", *Wiltshire Archaeological and Natural History Magazine*, xii (1870), pp. 256-7. My thanks to Mary Prior.

<sup>3</sup> "A Person in Business", *Two Letters on the Flour Trade* (London, 1757, 1766), pp. 7-8; the author is writing from Hampshire. See also Wendy Thwaites, "Dearth and the Marketing of Agricultural Produce: Oxfordshire", *Agric. Hist. Rev.*, xxxiii (1985), p. 121.

<sup>4</sup> Thwaites, "Women in the Market Place", p. 37.

<sup>5</sup> PRO, TS 11/1138/5956: Special Commission, Gloucester, 14 Nov. 1766, Crown Brief.



had raised the price too high.<sup>1</sup> Where people came in to the urban market from a little distance, they perhaps got hold of some transport, and women, men and older children piled on together; no doubt husband and wife often went round the market together. An observer in 1800 noted a man and wife coming to an inn to buy a peck of wheat, and "after the wheat was measured, the woman says to her husband, 'John I want some money to go to the grocer's for some tea, sugar, butter' ".<sup>2</sup> In this division of gender roles, hers was to finish off the shopping and his (no doubt) was to stay at the inn and drink.

All ages, shapes, sizes and sexes would throng together in a busy market. The genteel were falling away as the century wore on; they did not like to be squashed in the plebeian press and they sent their servants instead. (They are more likely to have sent the cook or kitchen maid to buy provisions than the footman.) The wives and daughters of cottagers might stay on to spend their small takings from selling eggs or cherries on cloth or ribbons or houseware. (Money earned from such produce belonged to "the distaff side" of the family budget.) Some farmers would stay on, get drunk, and have to be collected by their wives.<sup>3</sup> There would be carters and ostlers, ballad-mongers, perhaps a fiddler or two, and a card-sharper. There would be wide-eyed children, hoping to scrump an apple. There would be courting couples, on the only day out when they saw each other. Bakers and millers, higglers and jobbers, market officials. And a throng of purchasers, very many of whom were women. As a rule it was the woman's role to bake, brew and cook — Mary Collier, the washer-woman, eloquently disclosed woman's dual roles as wage-earner and house-worker, in 1739<sup>4</sup> — and it has long been assumed that women had the major role in purchasing provisions. The point has not been fully proven,

<sup>1</sup>Catherine Phillips, *Considerations on the Causes of the High Price of Grain*. . . (1792), p. 7.

<sup>2</sup>William Brooks, *The True Causes of our present Distress for Provisions* (1800), pp. 29-30. My thanks to Dr Thwaites.

<sup>3</sup>F. W. Steer (ed.), "The Memoirs of James Spershott", *The Chichester Papers*, 30 (Chichester, 1962).

<sup>4</sup>See Mary Collier, *The Woman's Labour*, ed. Marian Sugden and E. P. Thompson (1989).

but if research is directed at it then I have little doubt as to its results.

The market was, in any case, a great occasion of sociability. Dare one suggest that market day could actually be fun? If women played so important a part in networking households into a community how could it happen that they should not take part in so important an occasion for community socialising (and gossip) as the market? Bohstedt offers us no evidence, but suggests that both the family income and necessary purchases were "probably collected by the man on the weekly trip to the warehouse and the market". He is thinking of a "proto-industrial" clothing worker or nail-maker, who works in his own household economy, but must collect raw materials and deliver the finished product to the putter-out. But the day for delivering his "piece" was not often the same as market day. And in a majority of households spinning was the mainstay of women's work until the 1790s or later, and the women (wives or spinsters) would have to visit their own putter-out, or the shopkeeper who acted as agent, as frequently. A 1741 pamphlet shows women in Hampshire, Wiltshire and Dorset coming in to market on farmers' wagons, taking their spun yarn to the clothiers: "then they get the few things they want, and return to the Inn to be carried home again". (There might be as many as three or four hundred poor people, chiefly women, in the market doing this.<sup>1</sup>) A well-informed observer, in 1794, wrote of the dismay of a labourer, "whose wife and children return home from the next market town with the sad tidings that the Wool-man puts out no more handwork. . .".<sup>2</sup>

If women usually did the cooking in the household economy and if some (but not all) women's food riots had targets in the market-place, common-sense suggests that women knew a lot about food marketing. It often seems so from the reports. In 1740 in Newport Pagnell (at a time when the crowd was blocking exports) farmers sold two wagons of wheat to factors. The wheat was disguised by being packed

<sup>1</sup>Alice Clark, *Working Life of Women in the Seventeenth Century* (1919; reprint 1982), pp. 108-9.

<sup>2</sup>"A.B.", *Observations on the detriment that is supposed must arise to the family of every cottager. . . from the loss of woollen spinning. . .* (1794).



like cheese, but "some cunning old women" suspected the deception, stopped the wagons, and (joined by three hundred more women) entered into a long and successful engagement with the farmers.<sup>1</sup> John Bohstedt wishes to play down this female role in the market because he wants to emphasise the productive role of women in the proto-industrial household, which made them "virtually equal to men in the communal economy and polity". Women took part in riots, "not as housewives but as full-fledged contributors to the family income". "They should be seen as proto-citizens and constituents of the local polity and economy, nearly coequal to men in claiming their rights to affordable bread."

I don't wish to dispute the importance of the women's labour in the clothing or metal-working household. But there is no reason why they should not also have been the main food marketers just as the men may have dealt most often with the tools and materials of the trade. What may be misleading are the notions of "equality" and status brought to bear upon them from our own status-conscious and contractual society. These women (and these men) were for themselves and not for us: they were proto-nothing. They were not bugged by notions of equality, in a competitive sense, since they were deeply habituated to the acceptance that men's and women's roles were different, and that neither was the more nor the less for that. There were certainly places of overlap, and also occasions when each sex (the women more often than the men) would take part in the other's work. But Bohstedt goes too far, in his commendable attempt to emphasise the women's independent position, in suggesting that the roles of men and women in the household or cottage economy were almost indistinguishable.<sup>2</sup>

On the contrary, different gender roles were firmly demarked, perhaps the more firmly in that each sex's sphere of responsibility held the other's respect. One emphatically

<sup>1</sup> *Ipswich Journal*, 7 June 1740.

<sup>2</sup> Bohstedt may be drawing too far upon the suggestions of Hans Medick on "The proto-industrial family economy", in Peter Kriedte, H. Medick and Schlumbohm, *Industrialization before Industrialization* (Cambridge, 1987), pp. 60-3.

literary source is the poem "descriptive of the manners of the clothiers" in the West Riding of Yorkshire, *circa* 1730. It is, exactly, a comedy of manners about gender roles in a "proto-industrial" household, although one of small master rather than journeyman status. In this the food is certainly cooked by the Mistress, with the help of "prentice Bess": in includes broth, oaten cakes, mutton, bread (home baked), "dumplings", and home-brewed ale. The "Maister" oversees the needs of the weaving trade; he or his sons (or apprentices) will get wool from the Wolds, take it out to the spinners, get size, dye, and so on. The Mistress must oversee getting yeast (perhaps from a neighbour), malt and hops for brewing, soap and "blue". She and Bess must also "sit at t'bobbin wheel", dye, do the washing (and washing-up), get the children to and from school, and oversee the work folk when the master is away. And a dozen other things.<sup>1</sup>

It was exactly the extent and manifest importance of the woman's role, and her manifold responsibilities, each calling for specialised skills, which gave to her authority in the household and respect in the community. Her work was indispensable and she well knew it. It is pointless to try to grade the feminine and masculine spheres of work in terms of degrees of "near equality". Certainly in the public sphere of law and religion and property the woman was in a subject position. But in the household economy the terms which we need are "authority", "worth" and "respect": perhaps the parity and mutual interdependence of unlikes.<sup>2</sup>

If women were especially prominent in food riots in regions where the manufacturing household economy was strong, such as clothing districts, this was in part because their role in this economy gave them authority and self-confidence. But this was not because gender roles were almost indistinguishable. The female sphere of authority probably took in most marketing for provisions, and within

<sup>1</sup> The full text is in *Publications of the Thoresby Society*, xli, pt. 3, p. 95 (1947). Extracts are in H. Heaton, *Yorkshire Woollen and Worsted Industries* (1920), pp. 344-7; Thompson, *The Making of the English Working Class*, pp. 300-1.

<sup>2</sup> See Dorothy Thompson, "Women, Work and Politics in Nineteenth-Century England: the Problem of Authority", in Jane Randall (ed.), *Equal or Different* (Oxford, 1987), pp. 61-3.



the household the women had responsibility for baking, brewing, and seeing that the household was fed. They were therefore especially sensitive to price and quality, and were the first to have to work out economies and strategies of survival when dearth threatened. This role made them as much guardians of the household's survival as were the men, who might earn the greater part of the family income. They would discuss their problems, anger or anxieties with other women, not only on market day but daily on their neighbourhood occasions. This favoured — Alice Clarke wrote long ago — “the formation of a feminine public opinion on current events”. Thus households would be bonded and the nucleus for direct actions prepared.<sup>1</sup>

By downplaying this role and by fastening his analysis upon women's role as income-earners in the manufacturing household, Bohstedt — quite against his own intentions — gives an almost patronising account of women as rioters: “Women typically *joined* men in food riots” (above p. 306, my italics). The suggestion is conveyed that women expressed their solidarity *with* men, as their “near coequals”. But the evidence does not feel like that. On these matters the women were often the leaders of community opinion, and the initiators of actions; sometimes they were the sole executors of actions, and the men joined in in solidarity with them as often as they joined the men.

In 1766 and afterwards there were fewer spontaneous crowd actions in the market-place because less grain was being sold there. Sales were removing to inns, and the open market was in some places coming to an end. Working people in the south and midlands were increasingly buying bread. This might fluctuate in price, or (if the priced loaf remained steady) in weight, which was more difficult to judge. In the high-price years of the 1790s, the huge quartern or half-quartern loaves normally baked in many towns went out of reach of “the poor”, who “were obliged to buy fragments of bread, with several surfaces exposed to the sun, air, flies,

<sup>1</sup> Clark, *op. cit.*, p. 51. See also Maxine Berg's suggestion as to networks in *The Age of Manufactures* (1985), pp. 164-7, and the excellent survey of women's work in the family economy in Bridget Hill, *Women, Work, and Sexual Politics in Eighteenth-Century England* (Oxford, 1989), chapters 3 and 4.

dust, and all the contingencies of a huckster's shop”.<sup>1</sup> But the end product in a huckster's shop was a futile target for those who wished to bring down the price of grain. Hence the crowd had to plan more carefully, and to select targets, often outside the market-place, such as inns, canals, wharfs, granaries, farms, mills, wagons on the road. These actions around wheat or flour must have followed upon discussions (and rumours of hoarding or speculation) within the working community.

Spontaneous actions by women in the market-place were more frequent in the first half of the century, because wheat and flour were still in the open market. Thus in Oxford in 1693 we find women in the market “pelting millers, mealmen, bakers etc with stones”;<sup>2</sup> in 1740 most of the riots were against export, but market-place riots are also reported, such as that at Peterborough where “a number of women rose in a tumultuous manner on the market day, rioted the farmers out of their sacks & strow'd their corn in the street”.<sup>3</sup> Similar market-place actions by women are reported in 1757 in Bewdley, Worcester, Taunton, Newcastle-under-Lyme, and Salisbury, while in 1766 in Kidderminster, when some poor women were bidding in the corn market for a bag of wheat, and a baker offered more, “the people immediately became riotous”.<sup>4</sup> If that sort of affair then fell away, women might (and did) still initiate spontaneous actions in the market-place about other foodstuffs, such as potatoes or meat. In Ashby-de-la-Zouche in 1766, when a farmer put up his butter by 2d. a pound, “an old woman clapped one hand around the nape of his neck and with the other smeared his face with butter”.<sup>5</sup>

It is not a significant matter whether women took part in

<sup>1</sup> Thomas Parsons, *Letters to an M.P. on the absurdity of popular prejudices*. . . (Bath, 1800).

<sup>2</sup> Thwaites, thesis, ii, pp. 468-9.

<sup>3</sup> *Gloucester Journal*, 24 June 1740.

<sup>4</sup> Bewdley — *Northampton Mercury*, 6 June 1757; Worcester — *Worcester Journal*, 19 May 1757; Taunton, Newcastle-under-Lyme, Salisbury, Kidderminster — all in R. W. Malcolmson, *Life and Labour in England, 1700-1780* (1981), pp. 117-8.

<sup>5</sup> Dale E. Williams, “Midland Hunger Riots in 1766”, *Midland History*, iii, 4 (1976).



more or less than 50 per cent of the recorded riots. What remains significant — and indeed remarkable — is the extensive evidence of women's active part in food riots over a period of more than two hundred years, and in many parts of Great Britain.<sup>1</sup> No other issue commanded women's support so wholeheartedly and consistently, at least in England.<sup>2</sup> On a review of indictments in the Western and Oxford Assize circuits in the second half of the eighteenth century, there are a few cases of what appear to be the community's defence of trade practices (but not of formal trade unionism), of resistance to enclosures, of rough music, and of civic politics in old clothing towns, all of which appear to have significant female involvement. But food riots are the indictments where the women are most often to be found. There are some all-male indictments,<sup>3</sup> just as there are some all-female ones.<sup>4</sup> There are indictments where there seems to be the selection of a token woman,<sup>5</sup> just as there seem to be token men.<sup>6</sup> There are other cases where the prosecution

<sup>1</sup> John Walter in Charlesworth (ed.), *An Atlas of Rural Protest* (1983), shows women present in riots in Kent (1595), Essex (1596), and unloading a ship at Southampton (1608).

<sup>2</sup> In Scotland at the end of the eighteenth century, the issue which occasioned the highest participation of women in direct action "was opposition to the exercise of church patronage by lay patrons against the popular wishes of the congregation". Food riots came second. Logue, *op. cit.*, pp. 199-204.

<sup>3</sup> PRO, Assi 24/42, Devon, Winter 1767: 21 men (17 weavers, 2 woolcombers, 2 labourers, 1 cordwainer) for attacking a boulding mill; *ibid.*, 9 men of Ottery St Mary for pulling down a water mill (and the two following cases); *ibid.*, Somerset 1766, cheese riot, Wellington (13 woolcombers, weavers, etc. indicted); *ibid.*, Somerset, Summer 1767, cheese riot, 7 labourers of Trowbridge indicted (but no true bill found); *ibid.*, Wiltshire, Winter 1767, 8 men indicted (5 broadweavers, 2 scribblers, 1 labourer).

<sup>4</sup> PRO, Assi 4/22, Shropshire, Summer 1767, 5 women of Culmington, for cutting sacks and throwing grain on the floor. Assi 4/20, Worcestershire, Summer 1768, 7 women for carrying away 60 bushels of wheat. Assi 4/21, Worcestershire, Lent 1775, 7 women from Old Swinford (1 widow, 2 spinsters, 2 colliers' wives and 2 labourers' wives) for a flour riot in which 200 took part. Assi 24/43, Somerset, Lent 1801, 4 women for compelling the sale of bread under market price.

<sup>5</sup> PRO, Assi 24/43, Devon, Summer 1801, 5 labourers and 1 single woman, for compelling the sale of barley under the market price.

<sup>6</sup> PRO, Assi 24/42, Somerset, Summer 1767, butter riot, 5 women and 1 labourer indicted.

appears to be even-handed in serving out indictments.<sup>1</sup> But the indictments testify to the vigorous presence of women.

There is room for further research into this, for as yet no-one appears to have interrogated the legal records systematically over a long period of time. Nor should we expect that uniform answers will be forthcoming. John Bohstedt notes that of fifty-four rioters committed for trial in Devon in 1795 and 1801, only seven were women; but that at Manchester in 1795, of twelve persons charged for food rioting, nine were women.<sup>2</sup> My own searches into Assize records show a similar discrepancy between the Western circuit (taking in Devon, Wiltshire, Dorset and Somerset riots in 1765-72) with 114 men and only fourteen women indicted; and the Oxford circuit (taking in food rioters indicted in Herefordshire, Worcestershire and Shropshire in 1767 to 1774), where there are twenty women and only five men.<sup>3</sup> Do these figures indicate differential gender behaviour or differential practices in policing and prosecution?<sup>4</sup>

We do not know how far the authorities were as willing to prosecute women as men, or whether women must have committed particular "outrages" before they were indicted.<sup>5</sup> There is a little evidence to suggest that in the deeply traditional West of England, where food rioting was almost a tolerated mode of "negotiation", the authorities found the indictment of female rioters to be distasteful. In 1765

<sup>1</sup> For a Bicester (Oxfordshire) wheat riot in 1757, 4 men and 4 women were tried, of whom 1 man and 1 woman were sentenced to 7 years transportation; for a riot involving beans, 2 men were transported, and 1 woman was branded: Thwaites, thesis, pp. 471, 473.

<sup>2</sup> Bohstedt, "Gender, Household and Community Politics", p. 120, note 116.

<sup>3</sup> PRO, Assi 24/42, 24/43, 4/20, 4/21, 4/22. I have only counted cases of riot related explicitly to food.

<sup>4</sup> Douglas Hay has found women leading food riots in Staffordshire in 1740, 1757, 1783 and 1800: "Crime, Authority and the Criminal Laws in Staffordshire 1750-1800" (Univ. of Warwick Ph.D. thesis, 1975), p. 265, and private communication.

<sup>5</sup> In 1795 miners from the Forest of Dean searched a trow at Awre on the Severn. Finding wheat and flour, 100 men, women and children came down from the Forest with horses and asses and carried off 500 bushels. According to a witness "the women were more riotous than the men". But 5 miners were arrested, of whom 2 were hanged for stealing flour; PRO, Assi 5/116; *London Chronicle*, 17-19 Nov. 1795.



Tiverton was convulsed by community-and-trade riots against the Mayor and Corporation, in which (according to literary evidence) the women were most prominent, dashing in upon the Mayor through the windows of an inn, pulling off his wig and threatening to kill him if he did not sign a paper. But of twenty-six indicted for these riots, only six were women.<sup>1</sup> But, then, what was the function of prosecution? In the Western circuit the prosecution of food rioters seems to have been a haphazard and often a lenient process. It was often difficult to persuade the grand jury to find a true bill against food rioters, and (once found) the petty jury might not convict. For a Devon attack on a bolting-mill in 1767, twenty-one were discharged and in two cases a bill could "not be found" by the grand jury, and for another attack on a mill *all* of eighteen indicted in Ottery St Mary were "not to be found".<sup>2</sup> And so on. A little more zeal was shown in 1795 and 1800-1, but a Devon forced sale in 1801 resulted in the acquittal of five men charged and no process against the only woman, while the prosecution was abandoned of two men indicted for terrorising a farmer (with a rope about his neck) to sign a paper. On the other hand four women from Montacute (Somerset) were indicted for grand larceny for compelling Elizabeth Hopkins to sell seventy-two loaves at a lower rate than she was willing, and Mary Gard and Sarah Baker were convicted.<sup>3</sup>

In several other cases in both Western and Oxford circuits the offenders were bound over with one shilling fine, or were discharged as "paupers".<sup>4</sup> This suggests that the function of prosecution was to inspire momentary terror until order could be restored, and that the accused would be brought to a due state of contrition by the anxiety and nuisance of the trial

<sup>1</sup>PRO, Assi 24/42, Devon, Summer 1765; F. J. Snell, *The Chronicles of Tiverton* (Tiverton, 1893), pp. 192-201.

<sup>2</sup>PRO, Assi 24/42. Those whose indictments were "not to be found" by the grand jury in Ottery St Mary included 4 carpenters, 4 woolcombers, 3 husbandmen, 2 tailors, 2 labourers, 2 cordwainers, 1 thatcher.

<sup>3</sup>PRO, Assi 24/43.

<sup>4</sup>In a Taunton cheese riot, 11 men and 6 women were indicted. All were found "paupers" and discharged. The "paupers" included 3 woolcombers, 2 serge weavers, 2 cordwainers, 2 labourers, 1 whitesmith, 1 fuller: and 3 spinsters, the wives of a cordwainer, a labourer and a serge weaver; PRO, Assi 24/42, Somerset, Winter 1767.

itself. Prosecution was attended with difficulties — the selection of offenders, the drilling of reluctant witnesses, the odium attaching to the prosecutor — and local magistrates (notoriously in the West) were reluctant to set the process in motion.<sup>1</sup> Since prosecution was both selective and uncertain — that is, it was undertaken to provide an "example" but had no necessary direct relation to the incidence of riot — it cannot be assumed that it was gender-blind. Except in cases where women were manifestly predominant in riots, the authorities might have found it to be more convenient to make an example of men.

There might even have been a hierarchy of levels of prosecution, with differing gender ratios at each level. At the top of the hierarchy would be the Special Commissions of Oyer and Terminer which government instituted in late 1766 with the aim of making "examples" in the disturbed districts. Those brought to trial here were predominantly male: thirteen men in Berkshire, and no women; fifteen men in Wiltshire, and four women; and in Gloucestershire fifty-four men and twelve women.<sup>2</sup> There may have been some reluctance to launch women into a process which might end in their execution,<sup>3</sup> but once so launched it is difficult to say whether they received any preferential treatment from the courts.<sup>4</sup> Of the Wiltshire women, Priscilla Jenkins was sentenced to death for stealing in a dwelling-house (commuted to life transportation), Elizabeth Moody and Mary

<sup>1</sup>See Wells, *Wretched Faces*, ch. 16, "The Role of the Courts".

<sup>2</sup>These are the formal returns in Baga de Secretis, *G.B. Deputy Keeper of Public Records, 5th Report* (1844), Appendix 11, pp. 198-204. But some prisoners were held over for subsequent trial or their cases were dismissed. The *Gloucester Journal*, 15 Dec. 1766, reported that 96 rioters were then in prison, of whom 16 were women: see also Williams, thesis, pp. 162-3. But other records suggest that as many as 22 women were committed: cases against one or two were dropped, and another turned evidence against her fellows; crown brief, PRO, TS 11/1188/5956, and "A Calendar of the Criminal Prisoners in the Castle Gaol of Gloucester", 13 Dec. 1766 (annotated) in TS 11/995/3707.

<sup>3</sup>This is suggested by John Beattie in his authoritative article, "The Criminality of Women in Eighteenth-Century England", *Journal of Soc. Hist.*, viii, (1975), p. 113, note 57. Also Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), pp. 436-9.

<sup>4</sup>Booth, *op. cit.*, p. 106 finds that in the courts in Lancashire 1790-1801 "no differentiation seems to have been made between the sexes".



Nash were transported for seven years for stealing to the value of 1s. 7d. in a dwelling-house, and Sarah Pane, a widow, found guilty of stealing flour to the value of 6d., was privately whipped and discharged. This seems severe enough. But these were the counts upon which juries had been willing to convict. On a closer view it seems that they had been selected for trial because all except Sarah Pane, went beyond "food riot" to theft from the homes of farmers or traders. Priscilla Jenkins was supposed to have taken off a gammon of bacon, a pair of boots, a bundle of things on her head tied up in a handkerchief. . . and a gun. Elizabeth Moody and Mary Nash were not such desperate felons, but they were accused of breaking into a house, smashing the windows and some of the furniture, and carrying off the family's clothes.<sup>1</sup>

A little more can be worked out about the Gloucestershire accused.<sup>2</sup> The Special Commission at Gloucester was restrained by a grand jury which refused to act as a rubber-stamp and perhaps by a reluctant petty jury. Of twenty-one women who were being prepared for trial, one was not indicted, presumably as *feme couvert*. More than one-half of the remainder were either acquitted (eight) or the grand jury found "ignoramus" (three). Of seventy-five male prisoners, about the same proportion got off, with eighteen acquittals and twenty "no true bills". And there is no great difference in the conviction rate: seven out of twenty-one women as against thirty-five out of seventy-five men. The marked difference is in the severity of the convictions and sentencing. Sixteen of the men were convicted of felonies, nineteen of misdemeanours, whereas only two of the women were found felons and five were found guilty of misdemeanours. Nine rioters were sentenced to death — all men, although in six cases the condemned were reprieved — and nine were

<sup>1</sup>Crown briefs in PRO, TS 11/1116/5728. Elizabeth Moody and Mary Nash were both pregnant, giving birth immediately after their trials, Mary Nash with twins: it is not clear whether their sentences were enforced. See Williams, *op. cit.*, pp. 167, 170.

<sup>2</sup>Some of the following deductions depend upon rough annotations to the Gaol Calendar in PRO, TS 11/995/3707, but these are difficult to decipher and not always accurate. Also TS 11/1188/5956; Williams, *op. cit.*; *Gloucester Journal*, 22 Dec. 1766; Gloucester CRO, Q/SG 1767-70, Gloucester Gaol Calendar, 13 Jan. 1767.

sentenced to seven years' transportation, of whom two were women.

A closer view of the cases does not tell us much. Six of the female acquittals were for a cheese riot at Farmer Collett's, for which one man was also acquitted and one other man convicted. Mary Hillier ran after the mob in Minchinhampton and "told them Mr Butt was come home & had fired a gun and killed 2 children and desired them to come back and pull down the House". The grand jury found no true bill. Elizabeth Rackley and Elizabeth Witts, both sentenced to transportation, were convicted of stealing 10d. worth of flour, but as part of several night-time break-ins of the mill of Richard Norris. It was the night-time breaking and entering which made the offence felony.<sup>1</sup> The clearest case of gender discrimination concerned John Franklyn and Sarah Franklyn, his wife, jointly committed for entering a shop in Stroud and carrying off in their laps soap, glue and other things. But Sarah was not indicted, presumably because while acting with her husband she was, according to the legal doctrine of *feme couvert*, not responsible for her actions. That was fortunate for her, since John Franklyn was found guilty of grand larceny and was transported for seven years.<sup>2</sup>

This suggests that the heavier exercises of the courts might fall a little less heavily on women. But the lighter exercises need not show the same gender inflection. Summary committals to Bridewells or convictions for minor public order offences were used by magistrates to cool off a crowd, without respect for differences of sex. For example, a letter from Lincolnshire in 1740 notes that "we have had a Disturbance by the Mobb at Bourn they Cutt Some Sacks of Wheat in the Boat & Obstructed its passage to Spalding for a time, but was Quel'd seasonably by the Officers of the Town & 5 Women Committed to the House of Correction".<sup>3</sup> Such episodes are unlikely to have left traces in national records,

<sup>1</sup>Elizabeth Rackley was later pardoned.

<sup>2</sup>Gaol Calendar in PRO, TS 11/995/3707. On *feme couvert*, see Blackstone, *op. cit.*, iv, pp. 26-7 and John Beattie, *op. cit.*, p. 238, note 71.

<sup>3</sup>Letter of John Halford, 1 July 1740, in Lincs., Archives Office, 3 Anc. 7/4/14.



although after the 1760s they were more likely to be brought to Quarter Sessions.<sup>1</sup>

John Bohstedt tells us that "repression did not know gender", and he is right that troops were frequently ordered to fire into mixed crowds. From Anne Carter of Maldon, Essex, in 1629 to Hannah Smith of Manchester in 1812, a trickle of victims or heroines were sent to the gallows, while others were sentenced to transportation.<sup>2</sup> Yet I am undecided; it remains possible that, while "examples" were made from time to time, the examples made of women were fewer, that they sometimes enjoyed the "privilege of their sex", and that much depended upon place, time and the temper of the authorities.

If the central authorities insisted that examples had to be made, then gender did not matter. In 1766 government and law officers were pressing hard for capital offenders to be selected, and the Treasury Solicitor regretted that "at Leicester, the Evidence is very slight, against a Woman for throwing Cheese out of a Waggon to the Mob, which if not a Highway Robbery, is not Capital".<sup>3</sup> (Hannah Smith was convicted of highway robbery nearly fifty years later, for selling off butter cheaply to the crowd.) In the end, no women were hanged for the riots of 1766, although Sarah Hemmings was capitally convicted for her part in a riot in Wolverhampton: the town petitioned for her life, and the sentence was commuted to life transportation.<sup>4</sup> In 1800 *The Times* correspondent lamented from Nottingham and its environs that "there is not even a prospect of the riot

<sup>1</sup> Ann Welford and Barbara Mason were sentenced to six months hard labour at Northampton Quarter Sessions in 1796 for trying, with a great number of persons, "principally women", to stop a market wagon: *Northampton Mercury*, 9 Apr. 1796. My thanks to Jeanette Neeson.

<sup>2</sup> For Anne Carter, see John Walter, "Grain Riots and Popular Attitudes to the Law: Maldon and the Crisis of 1629", in Brewer and Styles (eds.), *An Ungovernable People*, pp. 47-84, an excellent study which follows the rioters back into the local records. For Hannah Smith, see Thomis and Grimmett, *op. cit.*, pp. 43-44.

<sup>3</sup> Memorandum as to the state of evidence against food rioters (1766) from Treasury Solicitor in Shelburne Papers, Vol. 132, William L. Clements Library, University of Michigan, Ann Arbor; see also PRO, SP Dom 44/141.

<sup>4</sup> Williams, "Midland Hunger Riots in 1766", p. 277.

subsiding", owing to the non-arrest of the women, who were "the principal aggressors".<sup>1</sup> In the sixteenth and early seventeenth centuries, women rioters had been liminal people with an "ambivalent legal status at the margins of the law's competence". They claimed, in enclosure riots, "that women were lawlesse, and not subject to the lawes of the realme as men are but might. . . offend without drede or punishment of law".<sup>2</sup> If the sex had been disabused of that illusion in the eighteenth century, yet perhaps some notion of "privilege", both among offenders and prosecutors, lingered on in such regions as the West.

Were there other peculiarities of the feminine input into food riots? I doubt the value of tabulating disorder and violence according to gender, partly because of the imperfect nature of the evidence, partly because all riot must involve disorder and violence of some kind. When an affair involved outright confrontation, with cudgels against fire-arms — the attack on a mill, the break-in to a keep to rescue prisoners — the predominant sex would be male. The women are more commonly reported as throwing missiles — stones or potatoes — and on one occasion, in the Midlands in 1766 "planted in rows five or six deep", defending a bridge with stones and brickbats against horsemen.<sup>3</sup> Whatever conclusions we reach as to the gender reciprocities and respect between women and men in these communities, it would be foolish to suppose that these dissolved sexual differences. Without doubt the physical confrontation of men and women, of soldiers and crowd, aroused sexual tensions, perhaps expressed by the women in robust ribaldry, by the male forces of "order" in a contest between the inhibition of violence and sexually-excited aggression.<sup>4</sup> On occasion the military affected contempt for the women. The commander of troops sent to deal with a riot in Bromsgrove in 1795

<sup>1</sup> Wells, *op. cit.*, p. 121.

<sup>2</sup> John Walter in *An Ungovernable People*, p. 63; see also Roger B. Manning, *Village Revolts* (Oxford, 1988), pp. 96, 116.

<sup>3</sup> Williams, *op. cit.*, pp. 273-4.

<sup>4</sup> After "repeated solicitations" from a Captain of marines, the constable of Brentwood reluctantly arrested two women, in "The Ship" alehouse, who had been "singing a song in Brentwood Street reflecting on the military": Essex CRO, Q/SBb 352/55 (Aug. 1793).



complained loftily that they found the cause was "a parcel of old women. . . as in all pretended riots in this part of the country". But this parcel of women (not all of whom were old) had given a good account of themselves, some seventy of them stopping a wagon and six horses, and carrying off twenty-nine sacks of wheaten flour.<sup>1</sup>

When women rioted they made no attempt to disguise their sex or to apologise for it. In my view there was very little cross-dressing in food riots, although once or twice there are unconfirmed reports of men in women's clothes.<sup>2</sup> These "rites of inversion" or, maybe, simple exercises in the most available disguise, were more commonly encountered in turnpike riots, in "carnival" protests, and, later, in Luddism.<sup>3</sup> But inversion, whether intentional or not, was exactly what the women did *not* wish to achieve. So far from wishing to present an ominous androgynous image, they sought to present their particular right, according to tradition and gender role, as guardians of the children, of the household, of the livelihood of the community. That symbolism — the blood-stained loaves on poles, the banging of kitchen ware — belonged especially to the women's protests. They evinced what Temma Kaplan has called "female consciousness" rather than feminist, which rested upon "their acceptance of the sexual division of labor" which is one which "assigns women the responsibility of preserving life". "Experiencing reciprocity among themselves and competence in preserving

<sup>1</sup>PRO, WO 1/1091, 5 and 8 Aug. 1795; Assi 2/26 and 5/116.

<sup>2</sup>*Jackson's Oxford Journal*, 28 May 1757 reports a wagon of wheat taken away in Bath by a mob in women's clothes. I have not found any eighteenth-century indictment for such an offence in a food riot.

<sup>3</sup>See Natalie Davis, "Women on Top", in *Society and Culture in Early Modern France* (Stanford, 1975). I think Professor Davis overlooks the fact that a woman's gown was the most readily-available garment to disguise a collier or a cottager. Some of the upside-down symbolic effects (which she describes so well) were consequence rather than intention. Attacks on turnpikes had more military symbolism: "Deponent saith. . . they heard the Noise of Horns blowing. . . and soon after a great Number of Persons armed with Guns & Axes, some of them disguised with black'd faces and Womens Cloathes. . .". This was an attack on a turnpike gate in Ledbury, Herefordshire. James Baylis, labourer, who was apprehended said that he had blacked his face with a burnt cork, and that the gown, apron and straw hat which he wore were his wife's: informations in PRO, TS 11/1122/5824, 4 Nov. 1735.

life instills women with a sense of their collective right to administer daily life, even if they must confront authority to do so.<sup>1</sup>

Nothing pleased female rioters more than the humiliation of pompous male "aggro". In a Tiverton riot in 1754 a certain Lieutenant Suttie attracted the crowd's notice by his zeal; he was heard to say to a JP, "Give me leave sir, to order the men to fire, and you shall see the fellows hop like peas". The troopers were unleashed upon the crowd and they "rode through the streets hacking with their broad-swords and stabbing with their bayonets":

While the troopers were dashing about in the execution of their orders, some women seized Lieutenant Suttie by the collar and took away his sword, which he never recovered. This was a sore blow to his pride, and a favourite subject of banter on the part of his friends, who, very cruelly, would not allow him to forget his skirmish with the women and the inglorious loss of his weapon.<sup>2</sup>

Not for the first or last time, disarming symbolised emasculation.

Men in authority still feared the violence and the incitement of the female tongue (see below pp. 501-2), and women could sometimes attain their ends by mockery, insult, or by shaming farmers or dealers by their expostulations. Susannah Soons was convicted in Norwich in 1767 for "uttering several scandalous and inflammatory speeches", and Mary Watts in Leicester for "assaulting" the magistrates "with indecent and opprobrious Language and Gestures".<sup>3</sup> In Montrose in 1812, when the Riot Act was being read and the military were deployed to disperse the crowd, Elizabeth Beattie called out, "Will no person take that paper out of his hand?" and tried to snatch the Act from the magistrate.<sup>4</sup>

Elizabeth Beattie knew what she was doing. But so did Anne Carter, in 1629. She clearly despised the pomp of the local authorities, calling one of Maldon's chief magistrates in 1622 "bloud sucker and. . . many other unseemely tearmes".

<sup>1</sup>Temma Kaplan, "Female Consciousness and Collective Action: The Case of Barcelona, 1910-1918", *Signs*, vii, 3 (1982), pp. 545, 560, 565.

<sup>2</sup>Snell, *The Chronicles of Twyford*, pp. 194-5. This was an election riot.

<sup>3</sup>Williams, thesis, pp. 203, note 2, and p. 279.

<sup>4</sup>Logue, *op. cit.*, p. 22.



When the bailiff had questioned her about her absence from church, she had answered back: "that yf he woold prouid [provide] wone to doe hir worke shee would goe". In the riots she described herself as "Captain", calling out: "Come, my brave lads of Maldon, I will be your leader for we will not starve."<sup>1</sup> "General Jane Bogey" in Newcastle in 1740 knew what she was doing, and so did "Lady Ludd", the title claimed by leaders of riots in 1812 in both Nottingham and Leeds.<sup>2</sup> So too did fifty-four-year-old Hannah Smith who "headed up the mob" for some days in Manchester in the same year, bringing down the prices of potatoes, butter and milk, and boasting that she could raise a crowd in a minute.<sup>3</sup> It was lack of deference as much as rioting which got Anne Carter and Hannah Smith hanged. What clergyman was likely to give a character reference, what nobleman to intercede, on behalf of such viragos?

The women's riots may not have been precisely of the same violence quotient as the men's, but they were not shrinking, demure affairs. Frequently they came to a climax when women led off the fore-horses, climbed aboard the wagons and threw down the sacks to their fellows, sometimes took the horses out of the shafts and pulled the wagon back themselves to a place for convenient distribution of its load.<sup>4</sup> In the engagement at Newport Pagnell in 1740 (above pp. 319-20), the women fought with the farmers for a considerable time, declaring that they were "unwilling that so much Wheat should go out of the Kingdom, while they wanted bread, [and] swore they would lose their lives before they would part with it". At length "with great acclamations of joy the waggons were unloaded". The reporter of the *Northampton Mercury* found that the affair merited a little comment:

<sup>1</sup> Walter, *op. cit.*, pp. 58, 72.

<sup>2</sup> Ellis, *op. cit.*, p. 340; Thomis and Grimmett, *op. cit.*, p. 31.

<sup>3</sup> *Ibid.*, pp. 43-5.

<sup>4</sup> For examples, see *Derby Mercury*, 10 July 1740 (Derby 1740). Elizabeth Beer and Elizabeth Bell were each sentenced to 7 years transportation for their part in this riot. Information of Thos. Higgins against Ann Burdon, who stopped his wagon in Long Handborough in August 1795, took the horse out of the shafts, and got into the shafts to prevent the horses being put back in: PRO, Assi 5/116.

The Conquerors are now holding a Grand Council to consider what to do with it among themselves. Such uncommon Bravery and Resolution appearing in the soft & tender Sex is a Matter of Surprise to those who stile themselves their despotick Sovereigns, & the Lords of Creation.<sup>1</sup>

Such bravery was not uncommon. Repeatedly women faced troops and were fired upon. In one of the only letters that survives from a food rioter, he wrote of a great riot in Nottingham (1800): "your hearts would have ached to have seen the women Calling for Bread and Declaring they would fight till they died Before they would be used so any longer. . . the conduct of the people. . . who stood the fire from the yeomanry with such undaunted courage that astonished the gentlemen for they poured such showers of stones on them in all directions that they could load their pieces no more after they had fired them. . .".<sup>2</sup>

Perhaps the poor of both sexes partnered each other better in bad times than we suppose. Maybe men were more prominent in food riots than women, and maybe not.<sup>3</sup> But if one adds up all that is already known (and there is much still to find out) there were an awful lot of women involved in food riots, sometimes on their own, more often in mixed affairs in which there was a loyal gender partnership.

For two hundred and more years these food riots were the most visible and public expressions of working women's lack of deference and their contestation with authority. As such these evidences contest, in their turn, the stereotypes of feminine submission, timidity, or confinement to the private world of the household. Robert Southey (p. 234) may not have been so silly after all. Indeed, when once aroused the women may have been more passionate than men in their eloquence, less heedful of the consequences, and, in their role

<sup>1</sup> *Northampton Mercury*, 2 June 1740; *Ipswich Journal*, 7 June 1740.

<sup>2</sup> Intercepted letter of J. and L. Golby to "Dear Brother and Sister", dated Nottingham 7 Sept. 1800, in PRO, HO 42/51. Extracts of the letter are in Quinault and Stevenson (eds.), *op. cit.*, pp. 58-9 and in Wells, *Wretched Faces*, pp. 120-2.

<sup>3</sup> Or maybe the answer differed according to place and time. Walter, *op. cit.*, p. 62 writes that "women were present in almost every food riot in the period [i.e. early seventeenth century] and some riots were exclusively feminine affairs".



as guardians of the family, more determined to get quick results.<sup>1</sup> Perhaps — as John Bohstedt suggests — many women were more immersed than were men “in the moral, less in the market, economy”, and they were among the last to give the practices of the moral economy up.<sup>2</sup>

That is not the whole truth about women and authority, but food riots provide an important and weighty chunk of evidence, which must not be tidied away. It may enlarge our sense of the possibilities of feminine “nature”. The more difficult question may be, not why women sometimes rioted, but why, in the mid nineteenth century, the tradition of public protest became so much weaker and women’s presence retreated into a serial world of private households.<sup>3</sup> Perhaps (in contrast to what came after) a “myth of the feminine food riot” should be rehabilitated after all?

#### IV

I do not know how far back one must go to find the origin of the term, “moral economy”. I think that it comes from the late eighteenth century, but I cannot now find references. It

<sup>1</sup>Tom Wedgwood wrote to his father, Josiah, describing “the mob” in the Potteries in March 1783: “The women were much worse than the men, as for example, Parson Sneyd got about 30 men to follow him. . . but a woman cried: ‘Nay, nay, that wunna do, that wunna do’, and so they turned back again, and it was agreed that the corn taken [in] the boat should be sold at a fair price”: *The Wedgwood Letters*, ed. Ann Finer and G. Savage (1965), p. 268. My thanks to Douglas Hay.

<sup>2</sup>Women and miners were prominent in traditional price-setting in south-west England in 1847, and women and fishermen in north-east Scotland: A. Rowe, “Food Riots of the Forties in Cornwall”, *Royal Cornwall Polytechnic Society* (1942); E. Richards, *The Last Scottish Food Riots, Past and Present Supplement* (1981). See also Roger E. Swift, “Food Riots in Mid-Victorian Exeter, 1847-67”, *Southern History*, 2 (1980). Robert Storch, in a most interesting study, shows how in 1867 in Devon and Oxfordshire, traditions of food riot, of rough music, and of “Guy Fawkes” carnival came together, with the women and the disguised “bon-fire boys” playing the leading roles: “Popular Festivity and Consumer Protest: Food Price Disturbances in the Southwest and Oxfordshire in 1867”, *Albion*, 14, 3-4 (1982). Although women were often the most active in these events, few of the women were arrested or brought to trial. See Storch, p. 233, note 41.

<sup>3</sup>Dorothy Thompson, “Women and Nineteenth-Century Radical Politics: a Lost Dimension”, in Juliet Mitchell and Ann Oakley (eds.), *The Rights and Wrongs of Women* (Harmondsworth, 1976), pp. 112-138.

was certainly around in the 1830s,<sup>1</sup> and it was used by Bronterre O’Brien, the Chartist, in 1837 in a polemic against political economists:

True political economy is like true domestic economy; it does not consist solely in slaving and saving; there is a moral economy as well as political. . . These quacks would make wreck of the affections, in exchange for incessant production and accumulation. . . It is, indeed, the MORAL ECONOMY that they always keep out of sight. When they talk about the tendency of large masses of capital, and the division of labour, to increase production and cheapen commodities, they do not tell us of the inferior human being which a single and fixed occupation must necessarily produce.<sup>2</sup>

This directly anti-capitalist usage is close to that which I introduce into *The Making of the English Working Class*, when I referred to food riots as being “legitimized by the assumptions of an older moral economy, which taught the immorality of. . . profiteering upon the necessities of the people”. And I went on to describe the food riots of 1795 as “a last desperate effort” to re-impose the “old paternalist moral economy” as against the economy of the free market.<sup>3</sup>

I subsequently defined more carefully the term, the practices associated with it, and the contradictory components of paternalist control and crowd rebellion. The reason for this retrospective enquiry is that the theory of a moral economy has now taken off in more than one direction and in several fields of specialist study, and my essay is sometimes cited as authority. But while the term is available for every development which can be justified, my own usage has in general been confined to confrontations in the marketplace over access (or entitlement) to “necessities” — essential food. It is not only that there is an identifiable

<sup>1</sup>Thus Robert Southey was claiming to espouse “MORAL versus political economy”, see David Eastwood, “Robert Southey and the Intellectual Origins of Romantic Conservatism”, *Eng. Hist. Rev.*, civ (1989), p. 323. The “moral economy of the factory system” was employed in a very different sense by Dr Andrew Ure in *The Philosophy of Manufactures* (1835).

<sup>2</sup>*Bronterre’s National Reformer*, 21 Jan. 1837. I am indebted to Dorothy Thompson for this reference.

<sup>3</sup>(Penguin, 1968), pp. 67-73.



bundle of beliefs, usages and forms associated with the marketing of food in time of dearth, which it is convenient to bind together in a common term, but the deep emotions stirred by dearth, the claims which the crowd made upon the authorities in such crises, and the outrage provoked by profiteering in life-threatening emergencies, imparted a particular "moral" charge to protest. All of this, taken together, is what I understand by moral economy.<sup>1</sup>

If the term is to be extended to other contexts, then it must be redefined or there will be some loss of focus. Adrian Randall has so redefined it, in applying it to "The Industrial Moral Economy of the Gloucestershire Weavers" in the eighteenth century.<sup>2</sup> The same weaving communities that were involved in food riots (1766) were involved in industrial actions (1756); these were informed by the same values, showed the same community solidarities and sanctions (such as rough music against those who broke the norms of the trade), a similar appeal to custom and to Tudor and Stuart statute law (when this protected their own interests), and a similar insistence that, where the community's economic well-being was concerned, market forces and the profits of individuals should be subdued to custom. Moreover, Randall

<sup>1</sup> Similar "moral economy" themes have been examined in different national histories — notably (France) Louise Tilly, "The Food Riot as a Form of Political Conflict in France", *Journal of Interdisciplinary History*, i (1971), pp. 23-57, and Cynthia A. Bouton, "L' 'économie morale' et la Guerre des farines de 1775", and also the editors' "Introduction" in Florence Gauthier and Guy-Robert Ikni (eds.), *La Guerre du Blé au XVIII<sup>e</sup> Siècle* (Paris, 1988); Laura Rodriguez, "The Spanish Riots of 1766", *Past and Present*, 59 (1973); Barbara Clark Smith, "Food Rioters in the American Revolution", in Alfred F. Young, (ed.), *Beyond the American Revolution* (Urbana, forthcoming); John Rogers, "The 1866 Grain Riots in Sri Lanka", *Comparative Studies in Society and History*, xxix, 3 (1987).

<sup>2</sup> A. J. Randall in John Rule (ed.), *British Trade Unionism, 1750-1850* (1988), pp. 29-51. See also Charlesworth and Randall, "Morals, Markets and the English Crowd", pp. 206-9. Professor Charles Tilly, in a private communication, has suggested a further definition: "The term 'moral economy' makes sense when claimants to a commodity can invoke non-monetary rights to that commodity, and third parties will act to support these claims — when, for example, community membership supersedes price as a basis of entitlement. To the extent that moral economy comes merely to mean tradition, custom, or exchange outside the established market, it loses its conceptual force."

shows that the industrial crowd also would seek to press the gentry into the role of conciliators and arbitrators, so that "the moral economy was the obverse of the paternalist model".

I am more than half persuaded by this argument. In those West of England clothing towns there was a dense texture of trade rituals and customary usages, endorsed by community sanctions, which may be seen as the stubborn plebeian underside to mercantilist industry. Of course these workers were habituated to an economy with markets, but markets conducted within customary norms; in times of conflict they affirmed the priorities of "the Trade", or they elevated the defence of the interests of the working community above those of the profits of the few, and if the term "moral economy" helps us to identify these norms and practices, then let it be used. It certainly helps us to see the strongly defensive, and, in that sense, conservative nature of this plebeian culture.

But where are we to draw the line? Pirates had strongly-transmitted usages and customs: did they have a moral economy.<sup>1</sup> Keith Snell suggests that the poor's right to a settlement "formed a consistent part of those 'moral economy' values" which I have analysed. And he extends the list of candidates for inclusion in this moral economy to the poor laws generally, to yearly hirings and "fair wages", and even to "popular consumption, fashion [and] leisure activities". Then he turns around and gives me a dressing-down for "the amorphous character" of my moral economy.<sup>2</sup>

I admire Dr Snell's work, but on this occasion I am perplexed, because I can see little evidence that he knows much about the tensions around the nexus of food in time of dearth. What is "amorphous" is his own extension of the term's use, and this stems from the error of supposing that what are at issue are "moral economy values". But if values, on their own, make a moral economy then we will be turning up moral economies everywhere. My own notion of the moral

<sup>1</sup> Marcus Rediker, *Between the Devil and the Deep Blue Sea* (Cambridge, 1987), ch. 6.

<sup>2</sup> K. D. M. Snell, *Annals of the Labouring Poor* (Cambridge, 1985), pp. 99-199, 103.



economy of the crowd in the food market includes ideal models or ideology (just as political economy does), which assigns economic roles and which endorses customary practices (an alternative "economics"), in a particular balance of class or social forces. It is by taking "values" or "moral attitudes" out of the context of a particular historical formation that Snell gets his amorphous results.

However, I have no right to patent the term. Some historians prefer a more descriptive and looser use. No other term seems to offer itself to describe the way in which, in peasant and in early industrial communities, many "economic" relations are regulated according to non-monetary norms. These exist as a tissue of customs and usages until they are threatened by monetary rationalisations and are made self-conscious as a "moral economy". In this sense, the moral economy is summoned into being in resistance to the economy of the "free market".<sup>1</sup> As Charlesworth and Randall have argued, "The basis of the moral economy was that very sense of community which a common experience of capitalist industry generated".<sup>2</sup> The rationalisations or "modernisations" of the capitalist market offended against community norms and continually called into being a "moral" antagonist.

This is an extension which is further generalised by William Reddy in *The Rise of Market Culture*, for whom the moral economy is "a set of values and moral standards that were violated by technical and commercial change":

Defence of such moral standards need not have been motivated by memory of the past. The inadequacy of market language was constantly being brought to the laborer's attention by the very conditions of work.

And Reddy concludes that "something like a moral economy is bound to surface anywhere that industrial capitalism

<sup>1</sup>The great British miners' strike of 1984 was a late example of such a confrontation, although "free market" forces appeared in the guise of every resource of the State.

<sup>2</sup>Charlesworth and Randall, "Morals, Markets and the English Crowd", p. 213.

spreads".<sup>1</sup> This has the advantage of discarding the notion that "moral economy" must always be traditional, "backward-looking", etc.; on the contrary, it is continuously regenerating itself as anti-capitalist critique, as a resistance movement.<sup>2</sup> We are close to the language of Bronterre O'Brien. But what this gains in breadth it loses in focus, and in inexperienced hands may bleed off the edge into uncontextual moralistic rhetoric.<sup>3</sup>

There is less danger of this in the alert theoretical discussions in the field of peasant studies, where a "moral economy theory" is now at the centre of controversy. This is thanks to James C. Scott whose *The Moral Economy of the Peasant* (1976) generalised an argument derived from studies in Lower Burma and Vietnam. The term is drawn from my own essay but it is now brought to bear upon "peasant conceptions of social justice, of rights and obligations, of reciprocity". But what distinguishes Scott's use is that it goes much further than descriptive accounts of "values" or "moral attitudes". Since for the peasantry, subsistence depends upon access to land, customs of land use and of entitlement to its produce are now at the centre of analysis rather than the marketing of food. And custom is seen (against a background of memories of famine) as perpetuating subsistence imperatives, and usages which insure the community against risk. These imperatives are also expressed in protective landlord-tenant (or patron-client) relations, and in resistances to technical innovations and to market rationalisations, where these might entail risks in the event of crisis. Scott analyses village redistributive institutions and religious charitable obligations, and shows that "there is good reason for viewing both the norm of reciprocity and the

<sup>1</sup>William Reddy, *The Rise of Market Culture* (Cambridge, Mass., 1984), pp. 331-4.

<sup>2</sup>Carl Gersuny and Gladys Kaufman, "Seniority and the Moral Economy of U.S. Automobile Workers, 1934-46", *Journal of Social History*, xviii (1985), extend the notion into non-"economic" trade union defences.

<sup>3</sup>A danger which Reddy himself does not wholly avoid in his sequel, *Money and Liberty in Modern Europe* (Cambridge, 1987), in which "asymmetrical monetary exchange" is made the key to all modern history, wherein "honour" and "money" enact an unequal contest.



right to subsistence as genuine moral components of the 'little tradition' . . ." — that is, in peasant culture universally. The threat to these institutions and norms associated with European expansion and with market rationalisations has often provoked the peasantry to participation in revolutionary movements.<sup>1</sup>

There is some likeness here to the moral economy of the eighteenth-century English crowd, although Scott does not elaborate the comparison and he is in fact more interested in patron-client relations in the village rather than in those confrontations or negotiations which mark the European tradition of food riot.<sup>2</sup> Predictably his theories have been vigorously contested by protagonists of "market forces", and Samuel L. Popkin delivered a polemic against what were presented as "the moral economists" in *The Rational Peasant* (1979). This offered the characteristic peasant as a rational actor, shrewdly adjusting to the market economy in a satisfactorily self-interested and normless manner. So that the old debate between moral and political economists seemed likely to re-enact itself over the paddy fields of South-East Asia — a debate into which it would be foolish for me to enter, although my sympathies are certainly with James Scott.

However, Professor Scott has moved the debate forwards (and sideways) in his *Weapons of the Weak*, and onto territory where comparisons may be explored with advantage. This territory is not only that of the tenacious forms of resistance to power of the weak and of the poor: "in ridicule, in truculence, in irony, in petty acts of non-compliance, in dissimulation. . . in the disbelief in elite homilies, in the steady and grinding efforts to hold one's own

<sup>1</sup> James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven, 1976). See also James M. Polachek, "The Moral Economy of the Kiangsi Soviet", *Journal of Asian Studies*, xlii, 4 (1983), p. 825.

<sup>2</sup> For constructive criticism, see David Hunt, "From the Millenium to the Everyday: James Scott's Search for the Essence of Peasant Politics", *Radical Hist. Rev.*, 42 (1988), pp. 155-72; Michael Adas, "'Moral Economy' or 'Contest State'?", *Journal of Social History*, xiii, 4 (1980).

against overwhelming odds".<sup>1</sup> It is also, and at the same time, into the limits which the weak can impose upon power. As Barrington Moore has argued in *Injustice*:

In any stratified society. . . there is a set of limits on what both rulers and subjects, dominant and subordinate groups can do. There is also a set of mutual obligations that bind the two together. Such limits and obligations are not set down in formal written constitutions or contracts. . .

There is (rather) "an un verbalized set of mutual understandings", and "what takes place is a continual probing on the part of rulers and subjects to find out what they can get away with, to test and *discover* the limits of obedience and disobedience". This takes us, by way of the concept of social reciprocity, or, as Moore prefers, mutual obligation ("a term that does *not* imply equality of burdens or obligations"),<sup>2</sup> back to the "moral economy", in the sense of the equilibrium or "field of force" which I examined in Chapter I and in the bargaining between unequal social forces in which the weaker still has acknowledged claims upon the greater. Of those who have recently developed these ideas I find a particular sympathy with Michael Watts, whose *Silent Violence* examines food and famine among the Hausa in northern Nigeria. He sees the norms and practices of an imperative collective subsistence ethic as permeating the peasant universe, but he sees this without sentimentality:

The moral economy was not especially moral and the Caliphate was certainly no Rousseauian universe of peasant welfare and benevolent patrons. Rather, the moral economy was necessary to the survival of ruler and ruled, and the price was paid by prevailing power blocs for the maintenance and reproduction of the social relations of production replete with its exploitative relations and class struggles.

<sup>1</sup> James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, 1985), p. 350. See also the editors' contributions in Andrew Turton and Shigeharu Tanabe (eds.), *History and Peasant Consciousness in South East Asia* (Osaka, 1984), and the special issue of the *Journals of Peasant Studies*, xiii, 2 (1986).

<sup>2</sup> Barrington Moore Jr, *Injustice: The Social Bases of Obedience and Revolt* (1978), pp. 18, 506.



"There is no need to saddle the moral economy with the legacy of Durkheim, Rousseau, and Ruskin."<sup>1</sup>

Much of the very interesting discussion which is now extending under the rubric of "moral economy" from African and Asian to Latin American<sup>2</sup> or to Irish studies has little to do with my (1971) usage but is concerned with the social dialectic of unequal mutuality (need and obligation) which lies at the centre of most societies. The term "moral economy" has won acceptance because it is less cumbersome than other terms (such as "dialectical asymmetrical reciprocity") which we might otherwise be clobbered with. When an Irish historian writes of "moral economy", he is writing of eighteenth-century paternalism, deference, and non-economic (i.e. unprofitable) "easygoing farming practices" such as low rents and tolerance of arrears.<sup>3</sup> A scholar (Paul Greenough) writing on the Bengal famine of 1943-44 has an even more extended definition:

By 'moral economy' I mean the cluster of relations of exchange between social groups, and between persons, in which the welfare and the merit of both parties to the exchange takes precedence over other considerations such as the profit of the one or the other.<sup>4</sup>

These capacious definitions will certainly allow in most things we might wish to introduce, and if the term will encourage historians to discover and write about all those areas of human exchange to which orthodox economics was once blind, then this is a gain.

If we employ the terminology of class, then "moral economy" in this definition may be concerned with the way in which class relations are negotiated. It shows how

<sup>1</sup> Michael Watts, *Silent Violence: Food, Famine and Peasantry in Northern Nigeria* (Berkeley, 1983), pp. 106, 146.

<sup>2</sup> Leslie Anderson, "From Quiescence to Rebellion: Peasant Political Activity in Costa Rica and Pre-Revolutionary Nicaragua" (Univ. of Michigan Ph.D. thesis, 1987; Erick D. Langer, "Labor Strikes and Reciprocity on Chuquisaca Haciendas", *Hispanic American History Review*, lxxv, 2, 1985.

<sup>3</sup> Thomas Bartlett, "An End to Moral Economy: The Irish Militia Disturbances of 1793", in C. H. E. Philpin (ed.), *Nationalism and Popular Protest in Ireland* (Cambridge, 1987).

<sup>4</sup> Paul R. Greenough, "Indian Famines and Peasant Victims: The Case of Bengal in 1943-44", *Modern Asian Studies*, xiv, 2 (1980), p. 207.

hegemony is not just imposed (or contested) but is articulated in the everyday intercourse of a community, and can be sustained only by concession and patronage (in good times), by at least the gestures of protection in bad.<sup>1</sup> Of the two parts of the term, the "economy" can probably now look after itself, since it will be defined in each scholar's practice. It is the "moral" part which may now require more attention. One benefit that has accrued from the term's transportation into peasant studies is that it can be viewed in operation within cultures whose moral premises are not identical with those of a Judeo-Christian inheritance.<sup>2</sup>

No-one has made this more explicit than has Professor Greenough in his study of Bengal famine, and he has done this on the directly comparative ground of the crisis of subsistence. Greenough presents a conspectus of the Bengali peasants' value-system,<sup>3</sup> and he derives this, not (as does Scott) from remembered scarcity and from risk-avoiding strategies, but, on the contrary, from a Bengal tradition of abundance. At the centre of this value-system is *Laksmi*, both a conception of order and abundance and a benevolent goddess of prosperity. Prosperity flows down from above, from *Laksmi*, or from "kings", patrons or parents. In its simplest form there are two situations only: the givers and the receivers of rice, and in time of crisis the peasant's reflex is to seek refuge in the patron-client relationship, to search for new patrons, or to wait in patience for *Laksmi's* gifts to be restored. Greenough also finds "an unyielding Bengali antipathy to individual assertion":

Temple art, learned texts, and folk apothegms reiterate that whatever success one has comes only through a superior's benevolence. . . . There is no widely accepted creed of commercial accumulation.<sup>4</sup>

<sup>1</sup> See Scott, *Weapons of the Weak*, ch. 8 — an excellent discussion of "hegemony" in this everyday sense.

<sup>2</sup> See also Charles F. Keyes, "Economic Action and Buddhist Morality in a Thai Village", *Journal of Asian Studies*, xlii, 4 (1983).

<sup>3</sup> Paul R. Greenough, *Prosperity and Misery in Modern Bengal* (Oxford, 1982), esp. ch. 1. Greenough derives his account from Hindu cosmology and is silent as to any differences between Hindu and Moslem villagers.

<sup>4</sup> Paul R. Greenough, "Indulgence and Abundance as Asian Peasant Values: a Bengali Case in Point", *Journal of Asian Studies*, xlii, 4 (1983), p. 842.



This brief summary will serve if it leaves us with the expectation that "giving" and beseeching "protection" are critical to the peasantry's discourse of crisis, rather than "duties" or "rights". Greenough finds in this an explanation for the Bengali response to famine. In the appalling conditions of 1943-44 attacks on granaries or shops were rare. "Food of all sorts lay before their eyes", while people were starving on the streets of Calcutta, "but no one attempted to seize it by force". The attitude of the people was one of "complete resignation", and "they attribute their misery to fate or *karma* alone. . .". An English medical officer contrasted this with the Punjab or the United Provinces where "you would have had terrific riots", and:

The husbands and brothers would have had those food shops opened, but in Bengal they died in front of bulging food shops.

Q. Bulging with grain?

A. Yes, they died in the streets in front of shops bulging with grain.

Q. Because they could not buy?

A. Yes, and it was due to the passive, fatalistic attitude of those people that there were no riots. . .<sup>1</sup>

A leading Bengali Communist wrote with admiration of these villagers, "saturated with the love of peace and honesty", turning away from the path of looting, and with "unbounded fortitude. . . standing in the queue of death".<sup>2</sup> And, regarding this evidence, Greenough concludes that this behaviour represented "the continued acceptance in a crisis of the very values which hitherto had sustained the victims":

Abandoned victims could do no more than to dramatize their helplessness in the hope of re-stimulating a flow of benevolence. Mendicancy, cries and wails, imploring gestures, the exhibition of dead or dying children — all were part of the destitutes' attempts to evoke charity and to transfer responsibility for their nurture to new 'destined providers'.<sup>3</sup>

Professor Greenough's intervention is most welcome. But it does present certain difficulties. One set of difficulties arises from his interpretation of complex evidence. His reconstruction of the value-system of Bengali peasants bears

<sup>1</sup> Greenough, *Prosperity and Misery*, pp. 266-7.

<sup>2</sup> *Ibid.*, p. 268.

<sup>3</sup> *Ibid.*, p. 271.

the mark of a certain school of holistic anthropology and allows no space for variety and contradiction. This is most evident in his discussion of the demoralisation induced by prolonged dearth, the break-up of families, and the abandonment of wives and children by the father. Greenough concludes that "familial disintegration did not occur randomly but seems to have been a result of the intentional exclusion of less-valued family members from domestic subsistence". Such exclusion was "desperate but not reprehensible" and was "explicable in terms of Bengali moral conceptions". The most favoured member of the family (in this account) is the male family head, who might — even if he should be the only survivor — reconstitute the familial lineage. So deeply are these patriarchal values internalised that the abandoned passively assent to their own abandonment.<sup>1</sup>

This may be true, or may be part of the truth.<sup>2</sup> But Greenough hangs his interpretive apparatus upon slender evidence — a few accounts of the "banishment" of wives or desertion of families — and alternative interpretations are not tested.<sup>3</sup> And he affirms his conclusions in increasingly confident form, as if they were incontestable findings. What were "desperate" measures on one page becomes, fifty pages

<sup>1</sup> *Ibid.*, pp. 215-25 and "Indian Famines and Peasant Victims", pp. 225-33.

<sup>2</sup> Megan Vaughan in "Famine Analysis and Family Relations: 1949 in Nyasaland", *Past and Present*, 108 (1985), has similar disturbing evidence of the aged, the young and the disabled being abandoned, and of husbands abandoning their families: and M. Vaughan, *The Story of an African Famine. Gender and Famine in Twentieth-Century Malawi* (1987).

<sup>3</sup> Some men may have left their families in the hope of finding work (and sending remittances) or in the expectation that in their absence the wife's kin or village charities would support the family. Wives might have been encouraged to go begging as the ultimate recourse against starvation. Similarly, the sale of children may have been an ultimate strategy to secure their survival. (Greenough assumes that "the dominant motive" for selling children was to secure cash for the parents' food, or else to "relieve themselves of the intolerable clamoring of their children for food"! *Prosperity and Misery*, p. 221.) Greenough's account of age-differential mortality during famine (*ibid.*, ch. 6) makes no attempt to relate this to the findings of historical demography as to trends commonly encountered during subsistence crisis. Indeed his treatment of historical and demographic studies is cavalier: see David Arnold, *Famine*, pp. 89-90.



later, the sweeping assertion that "authority figures in peasant households abandoned numerous dependents deemed inessential for the reconstitution of family and society in the post-crisis period".<sup>1</sup> What is found in extremity is now offered as if it were the norm: "husbands and heads of families appropriated domestic assets and abandoned their spouses, and parents sold children for cash".<sup>2</sup>

We must leave these questions to specialists in Bengali culture. But they strongly influence Greenough's comparative findings as to riot:

This pattern of victimization has nothing in common with European traditions of rage and revolt. In Europe famine violence was turned 'outward' and 'upward' against offending landlords, merchants, and officials; in Bengal the tradition was to turn violence 'inward' and 'downward' against clients and dependents. This was the cold violence of abandonment, of ceasing to nourish, rather than the hot violence of bloodshed and tumult.<sup>3</sup>

The comparison would be more convincing if Greenough had not misread the European evidence in such a way as to accentuate the violence of that tradition. He prefers an excitable letter from the Abbé Raynal, in which European food rioters in the 1780s are shown as pursuing each other with daggers in their hands, "massacring each other", "tearing and devouring their own limbs", etc., to the less sensational conclusions of historians of riot.<sup>4</sup> This rigging of the evidence, in which submissive sufferers are contrasted with "enraged looters", devalues his comparative study.

There remains, however, the significant interrogation of "moral" premises, in relation to subsistence, in differing cultures. In criticising *The Moral Economy of the Peasant*, Greenough argues that:

Scott's model of the moral economy. . . is essentially legal in nature. Scott says that peasants everywhere assert a *right* to subsistence, that

<sup>1</sup> *Prosperity and Misery*, pp. 215 and 264. Cf. Greenough, "Indulgence and Abundance", pp. 832-3: heads of households "coolly abandon" their dependents; in "an extreme realization of core patriarchal values. . . it becomes acceptable to channel threats of extinction toward less essential actors like clients, women and children".

<sup>2</sup> "Indulgence and Abundance", p. 847.

<sup>3</sup> *Ibid.*, p. 847; *Prosperity and Misery*, pp. 270-1.

<sup>4</sup> *Ibid.*, p. 268.

this assertion is felt to be *just*, and that it arises from a *norm* of reciprocity; further, it is the *duty* of elites to subsist their peasants, and any failure to do so entails a loss of their *legitimacy*. This Latinate terminology is derived from study of the numerous food riots that erupted in Western Europe in the seventeenth through nineteenth centuries; its appropriateness in explaining Bengali conditions is doubtful. Bengalis in crisis have spoken of their needs for "boons" (*bar*), "help" (*sahajya*), and "gifts" (*dan*), but rarely of their "rights"; of "indulgence" rather than "reciprocity"; of kingly *dharma*. . . but rarely of an enforceable class "duty".

This is not just "a narrow matter of terminology, but of the cognitive structures and customary paths for action that are conjured by the use of such terms".<sup>1</sup>

This is partly an academic language-game which, unfortunately, is rigged once more in order to score points off Scott. For Greenough has confused the language (and cognitive structures) of the historical subjects and of the academic interpreter. Neither English food rioters nor Burmese peasants acted with a vocabulary of "norms", "reciprocity" or "legitimacy" on their lips, and, equally, Professor Greenough's interpretive terminology ("cosmology", "hierarchical", "anthropomorphized") can be as Latinate (or Hellenic), as Scott's and, perhaps, even less likely to be found on the lips of a Bengal peasant.

But let us forgive him his polemical zeal. For he has reminded us of two important things. The first is that even extreme hunger, and even the simplest act of preparing food, may have differential cultural expression: "to cultivate, cook, share, and eat rice in Bengal is to perform a series of rituals. . . To dissect out an area of economic activity and label it 'subsistence' is to sever the social, sacral and even cosmic links" that food preparation and commensality may represent. For these reasons Greenough suspects that "the moral economy of rice in much of Asia is more truly moral, more pregnant with implication, than economic and political historians have been ready to admit".<sup>2</sup> But there is no reason to confine these thoughts to Asia or to rice. Bread, which is "the staff of life", features in the Lord's Prayer, bread and salt are the gifts with which European peasants

<sup>1</sup> "Indulgence and Abundance", p. 846.

<sup>2</sup> *Ibid.*, p. 848.



once welcomed visitors, and the wafer of the sacrament of Eucharist was unleavened bread.

We are also reminded that we are always in danger of confusing the historical evidence with the terms of interpretation which we have ourselves introduced. Food rioters did sometimes appeal to justice (or "fair" prices) and they certainly protested against unfair practices; but the language of "duties", "obligations", "reciprocity" and even of "rights" is mostly our own. Rioters abused those accused of sharp practices in marketing as "rogues", and, in the theatre of confrontation, anonymous letter-writers elaborated a rhetoric of threat — murder, arson, even revolt.<sup>1</sup> Yet if we were to find ways of interrogating the cognitive structure of food rioters, we might find certain essential premises, whether expressed in the simplest biblical terms of "love" and "charity", or whether in terms of notions of what humans "owe" to each other in time of need, notions which may have little to do with any Christian instruction but which arise from the elementary exchanges of material life.

There was a plebeian "discourse" here, almost beneath the level of articulacy, appealing to solidarities so deeply assumed that they were almost nameless, and only occasionally finding expression in the (very imperfect) record which we have. Walter Stephens, indicted for riot before the Gloucestershire Special Commission in December 1766, was alleged to have declared that "what the Mob had done was right and justifiable, and that for all the Justices' acting they would have it all on a Level before it were long".<sup>2</sup> That certainly is not reputable political thought, and it will not be allowed to pass by King's College, Cambridge. But Walter Stephens said this at a time when he stood in danger of being tried for his life for these opinions (which, at the present moment, is not

<sup>1</sup> See my essay, "The Crime of Anonymity", in Hay, Linebaugh and Thompson, *Albion's Fatal Tree*, esp. the "Sampler of Letters", pp. 326-43. But even these letters are studied and "literary" productions.

<sup>2</sup> Crown brief in PRO, TS 11/1188/5956. I cannot find out what happened to Walter Stephens. His name does not appear on the Calendar of Prisoners in TS 11/995/3707. The case against him may have been dropped, or he might have been the Thomas Stephens committed for riot and diverse outrages and felonies, who appears in the Calendar with an annotation "acquitted".

— so far as I know — the case with any Fellow of King's) and his meanings deserve our respect.

Comparative enquiry into what is "the moral" (whether as norm or as cognitive structure) will help us to understand these meanings. It is an agenda for forward research. It would be a shame to leave future historians with nothing to do. In any case, if I did father the term "moral economy" upon current academic discourse, the term has long forgotten its paternity. I will not disown it, but it has come of age and I am no longer answerable for its actions. It will be interesting to see how it goes on.



## Chapter Six

## Time, Work-Discipline and Industrial Capitalism

We kept an old Servant whose name was *Wright*, in constant Work, though paid by the Week, he was a Wheel-wright by Trade. . . It happen'd one Morning that a Cart being Broken-down upon the Road. . . the old Man was fetch'd to repair it where it lay; while he was busy at his Work, comes by a Countryman that knew him, and salutes him with the usual Compliment, *Good-Morrow Father Wright, God speed your Labour*; the old Fellow looks up at him. . . and with a kind of pleasant Surliness, answer'd, *I don't care whether he does or no, 'tis Day-Work*.

D. Defoe, *The Great Law of Subordination Considered; or the Insolence and Insufferable Behaviour of SERVANTS in England duly enquired into* (1724)

To the upper Part of Mankind Time is an Enemy, and. . . their chief Labour is to kill it; whereas with the others, Time and Money are almost synonymous.

Henry Fielding, *An Enquiry into the Causes of the late Increase of Robbers* (1751)

Tess. . . started on her way up the dark and crooked lane or street not made for hasty progress; a street laid out before inches of land had value, and when one-handed clocks sufficiently subdivided the day.

Thomas Hardy

## I

It is commonplace that the years between 1300 and 1650 saw within the intellectual culture of Western Europe important changes in the apprehension of time.<sup>1</sup> In the *Canterbury*

<sup>1</sup> Lewis Mumford makes suggestive claims in *Technics and Civilization* (1934), esp. pp. 12-18, 196-9; see also S. de Grazia, *Of Time, Work, and Leisure* (New York, 1962), Carlo M. Cipolla, *Clocks and Culture 1300-1700* (1967), and Edward T. Hall, *The Silent Language* (New York, 1959).

*Tales* the cock still figures in his immemorial role as nature's timepiece: Chauntecleer —

Caste up his eyen to the brighte sonne,  
That in the signe of Taurus hadde yronne  
Twenty degrees and oon, and somewhat moore,  
He knew by kynde, and by noon oother loore  
That it was pryme, and crew with blisful stevene. . .

But although "By nature knew he ech ascensioun/Of the equynoxial in thilke toun", the contrast between "nature's" time and clock time is pointed in the image —

Wel sikerer was his crowyng in his logge  
Than is a klokke, or an abbey orlogge.

This is a very early clock: Chaucer (unlike Chauntecleer) was a Londoner, and was aware of the times of Court, of urban organisation and of that "merchant's time" which Jacques Le Goff, in a suggestive article in *Annales*, has opposed to the time of the medieval church.<sup>1</sup>

I do not wish to argue how far the change was due to the spread of clocks from the fourteenth century onwards, how far this was itself a symptom of a new Puritan discipline and bourgeois exactitude. However we see it, the change is certainly there. The clock steps on to the Elizabethan stage, turning Faustus's last soliloquy into a dialogue with time: "the stars move still, time runs, the clock will strike". Sidereal time, which has been present since literature began, has now moved at one step from the heavens into the home. Mortality and love are both felt to be more poignant as the "Snayly motion of the mooving hand"<sup>2</sup> crosses the dial. When the watch is worn about the neck it lies in proximity to the less regular beating of the heart. The conventional Elizabethan images of time as a devourer, a defacer, a bloody

<sup>1</sup> J. Le Goff, "Au Moyen Age: Temps de L'Eglise et temps du marchand", *Annals E.S.C.*, xv (1960); and the same author's "Le temps du travail dans le 'crise' du XIV<sup>e</sup> Siècle: du temps médiéval au temps moderne", *Le Moyen Age*, lxi (1963).

<sup>2</sup> M. Drayton, "Of his Ladies not Comming to London", *Works*, ed. J. W. Hebel (Oxford, 1932), iii, p. 204.



tyrant, a scytheman, are old enough, but there is a new immediacy and insistence.<sup>1</sup>

As the seventeenth century moves on the image of clock-work extends, until, with Newton, it has engrossed the universe. And by the middle of the eighteenth century (if we are to trust Sterne) the clock had penetrated to more intimate levels. For Tristram Shandy's father — "one of the most regular men in everything he did. . . that ever lived" — "had made it a rule for many years of his life, — on the first Sunday night of every month. . . to wind up a large house-clock, which we had standing on the back-stairs head". "He had likewise gradually brought some other little family concerns to the same period", and this enabled Tristram to date his conception very exactly. It also provoked *The Clockmakers Outcry against the Author*:

The directions I had for making several clocks for the country are countermanded; because no modest lady now dares to mention a word about winding-up a clock, without exposing herself to the sly leers and jokes of the family. . . Nay, the common expression of street-walkers is, "Sir, will you have your clock wound up?"

Virtuous matrons (the "clockmaker" complained) are consigning their clocks to lumber rooms as "exciting to acts of carnality".<sup>2</sup>

However, this gross impressionism is unlikely to advance the present enquiry: how far, and in what ways, did this shift in time-sense affect labour discipline, and how far did it influence the inward apprehension of time of working people? If the transition to mature industrial society entailed a severe restructuring of working habits — new disciplines, new incentives, and a new human nature upon which these incentives could bite effectively — how far is this related to changes in the inward notation of time?

<sup>1</sup>The change is discussed in Cipolla, *op. cit.*; Erwin Sturzl, "Der Zeitbegriff in der Elisabethanischen Literatur", *Wiener Beiträge zur Englischen Philologie*, lxix (1965); Alberto Tenenti, *Il Senso della Morte e l'amore della vita nel rinascimento* (Milan, 1957).

<sup>2</sup>Anon., *The Clockmaker's Outcry against the Author of . . . Tristram Shandy* (1760), pp. 42-3.

## II

It is well known that among primitive peoples the measurement of time is commonly related to familiar processes in the cycle of work or of domestic chores. Evans-Pritchard has analysed the time-sense of the Nuer:

The daily timepiece is the cattle clock, the round of pastoral tasks, and the time of day and the passage of time through a day are to a Nuer primarily the succession of these tasks and their relation to one another.

Among the Nandi an occupational definition of time evolved covering not only each hour, but half hours of the day — at 5.30 in the morning the oxen have gone to the grazing-ground, at 6 the sheep have been unfastened, at 6.30 the sun has grown, at 7 it has become warm, at 7.30 the goats have gone to the grazing-ground, etc. — an uncommonly well-regulated economy. In a similar way terms evolve for the measurement of time intervals. In Madagascar time might be measured by "a rice-cooking" (about half an hour) or "the frying of a locust" (a moment). The Cross River natives were reported as saying "the man died in less than the time in which maize is not yet completely roasted" (less than fifteen minutes).<sup>1</sup>

It is not difficult to find examples of this nearer to us in cultural time. Thus in seventeenth-century Chile time was often measured in "credos": an earthquake was described in 1647 as lasting for the period of two credos; while the cooking time of an egg could be judged by an Ave Maria said aloud. In Burma in recent times monks rose at daybreak

<sup>1</sup>E. E. Evans-Pritchard, *The Nuer* (Oxford, 1940), pp. 100-4; M. P. Nilsson, *Primitive Time Reckoning* (Lund, 1920), pp. 32-3; P. A. Sorokin and R. K. Merton, "Social Time: a Methodological and Functional Analysis", *Amer. Jl. Sociol.*, xlii (1937); A. I. Hallowell, "Temporal Orientation in Western Civilization and in a Pre-Literate Society", *Amer. Anthropol.*, new series, xxxix (1937). Other sources for primitive time reckoning are cited in H. G. Alexander, *Time as Dimension and History* (Albuquerque, 1945), p. 26, and Beate R. Salz, "The Human Element in Industrialization", *Econ. Devel. and Cult. Change*, iv (1955), esp. pp. 94-114.



"when there is light enough to see the veins in the hand".<sup>1</sup> The Oxford English Dictionary gives us English examples — "pater noster wyle", "miserere whyle" (1450), and (in the New English Dictionary but not the Oxford English Dictionary) "pissing while" — a somewhat arbitrary measurement.

Pierre Bourdieu has explored more closely the attitudes towards time of the Kaabyle peasant (in Algeria) in recent years: "An attitude of submission and of nonchalant indifference to the passage of time which no one dreams of mastering, using up, or saving. . . Haste is seen as a lack of decorum combined with diabolical ambition". The clock is sometimes known as "the devil's mill"; there are no precise meal-times; "the notion of an exact appointment is unknown; they agree only to meet 'at the next market' ". A popular song runs:

It is useless to pursue the world, No one will ever overtake it.<sup>2</sup>

Synge, in his well-observed account of the Aran Islands, gives us a classic example:

While I am walking with Michael someone often comes to me to ask the time of day. Few of the people, however, are sufficiently used to modern time to understand in more than a vague way the convention of the hours and when I tell them what o'clock it is by my watch they are not satisfied, and ask how long is left them before the twilight.<sup>3</sup>

The general knowledge of time on the island depends, curiously enough, upon the direction of the wind. Nearly all the cottages are built. . . with two doors opposite each other, the more sheltered of which lies open all day to give light to the interior. If the wind is northerly the south door is opened, and the shadow of the door-post moving across the kitchen floor indicates the hour; as soon, however, as the wind changes to the

<sup>1</sup>E. P. Salas, "L'Evolution de la notion du temps et les horlogers à l'époque coloniale au Chili", *Annales E.S.C.*, xxi (1966), p. 146; *Cultural Patterns and Technical Change*, ed. M. Mead (New York, UNESCO, 1953), p. 75.

<sup>2</sup>P. Bourdieu, "The attitude of the Algerian peasant toward time", in *Mediterranean Countrymen*, ed. J. Pitt-Rivers (Paris, 1963), pp. 55-72.

<sup>3</sup>Cf. *ibid.*, p. 179: "Spanish Americans do not regulate their lives by the clock as Anglos do. Both rural and urban people, when asked when they plan to do something, gives answers like: 'Right now, about two or four o'clock'".

south the other door is opened, and the people, who never think of putting up a primitive dial, are at a loss. . .

When the wind is from the north the old woman manages my meals with fair regularity; but on the other days she often makes my tea at three o'clock instead of six. . .<sup>1</sup>

Such a disregard for clock time could of course only be possible in a crofting and fishing community whose framework of marketing and administration is minimal, and in which the day's tasks (which might vary from fishing to farming, building, mending of nets, thatching, making a cradle or a coffin) seem to disclose themselves, by the logic of need, before the crofter's eyes.<sup>2</sup> But his account will serve to emphasise the essential conditioning in differing notations of time provided by different work-situations and their relation to "natural" rhythms. Clearly hunters must employ certain hours of the night to set their snares. Fishing and seafaring people must integrate their lives with the tides. A petition from Sunderland in 1800 includes the words "considering that this is a seaport in which many people are obliged to be up at all hours of the night to attend the tides and their affairs upon the river".<sup>3</sup> The operative phrase is "attend the tides": the patterning of social time in the seaport follows *upon* the rhythms of the sea; and this appears to be natural and comprehensible to fishermen or seamen: the compulsion is nature's own.

In a similar way labour from dawn to dusk can appear to be "natural" in a farming community, especially in the harvest months: nature demands that the grain be harvested

<sup>1</sup>J. M. Synge, *Plays, Poems, and Prose* (Everyman edn., 1941), p. 257.

<sup>2</sup>The most important event in the relation of the islands to an external economy in Synge's time was the arrival of the steamer, whose times might be greatly affected by tide and weather. See Synge, *The Aran Islands* (Dublin, 1907), pp. 115-6.

<sup>3</sup>PRO, WO 40/17. It is of interest to note other examples of the recognition that seafaring time conflicted with urban routines: the Court of Admiralty was held to be always open, "for strangers and merchants, and sea-faring men, must take the opportunity of tides and winds, and cannot, without ruin and great prejudice attend the solemnity of courts and dilatory pleadings", see E. Vansittart Neale, *Feasts and Fasts* (1845), p. 249, while in some Sabbatarian legislation an exception was made for fishermen who sighted a shoal off-shore on the Sabbath day.



before the thunderstorms set in. And we may note similar "natural" work-rhythms which attend other rural or industrial occupations: sheep must be attended at lambing time and guarded from predators; cows must be milked; the charcoal fire must be attended and not burn away through the turfs (and the charcoal burners must sleep beside it); once iron is in the making, the furnaces must not be allowed to fail.

The notation of time which arises in such contexts has been described as task-orientation. It is perhaps the most effective orientation in peasant societies, and it remains important in village and domestic industries. It has by no means lost all relevance in rural parts of Britain today. Three points may be proposed about task-orientation. First, there is a sense in which it is more humanly comprehensible than timed labour. The peasant or labourer appears to attend upon what is an observed necessity. Second, a community in which task-orientation is common appears to show least demarcation between "work" and "life". Social intercourse and labour are intermingled — the working day lengthens or contracts according to the task — and there is no great sense of conflict between labour and "passing the time of day". Third, to men accustomed to labour timed by the clock, this attitude to labour appears to be wasteful and lacking in urgency.<sup>1</sup>

Such a clear distinction supposes, of course, the independent peasant or craftsman as referent. But the question of task-orientation becomes greatly more complex at the point where labour is employed. The entire family economy of the small farmer may be task-orientated; but within it there may be a division of labour, and allocation of roles, and the discipline of an employer-employed relationship between the farmer and his children. Even here time is beginning to become money, the employer's money. As soon as actual

<sup>1</sup> Henri Lefebvre, *Critique de la Vie Quotidienne* (Paris, 1958), ii, pp. 52-6, prefers a distinction between "cyclical time" — arising from changing seasonal occupations in agriculture — and the "linear time" of urban, industrial organisation. More suggestive is Lucien Febvre's distinction between "Le temps vécu et le temps-mesure", *La Problème de L'Incroyance en XVI<sup>e</sup> Siècle* (Paris, 1947), p. 431. A somewhat schematic examination of the organisation of tasks in primitive economies is in Stanley H. Udy, *Organisation of Work* (New Haven, 1959), ch. 2.

hands are employed the shift from task-orientation to timed labour is marked. It is true that the timing of work can be done independently of any time-piece — and indeed precedes the diffusion of the clock. Still, in the mid seventeenth century substantial farmers calculated their expectations of employed labour (as did Henry Best) in "dayworks" — "the Cunnigarth; with its bottomes, is 4 large dayworkes for a good mower", "the Spellowe is 4 indifferent dayworkes", etc.;<sup>1</sup> and what Best did for his own farm, Markham attempted to present in general form:

A man. . . may mow of Corn, as Barley and Oats, if it be thick, loggy and beaten down to the earth, making fair work, and not cutting off the heads of the ears, and leaving the straw still growing one acre and a half in a day: but if it be good thick and fair standing corn, then he may mow two acres, or two acres and a half in a day; but if the corn be short and thin, then he may mow three, and sometimes four Acres in a day, and not be overlaboured. . . .<sup>2</sup>

The computation is difficult, and dependent upon many variables. Clearly, a straightforward time-measurement was more convenient.<sup>3</sup>

This measurement embodies a simple relationship. Those who are employed experience a distinction between their employer's time and their "own" time. And the employer must *use* the time of his labour, and see it is not wasted: not the task but the value of time when reduced to money is dominant. Time is now currency: it is not passed but spent.

<sup>1</sup> *Rural Economy in Yorkshire in 1641. . . Farming and Account Books of Henry Best*, ed. C. B. Robinson (Surtees Society, xxxiii, 1857), pp. 38-9.

<sup>2</sup> G.M., *The Inrichment of the Weald of Kent*, 10th edn. (1660), ch. xii: "A generall computation of men, and cattel's labours: what each may do without hurt daily", pp. 112-8.

<sup>3</sup> Wage-assessments still, of course, assumed the statute dawn-to-dusk day, defined, as late as 1725, in a Lancashire assessment: "They shall work from five in the morning till betwixt seven and eight at the night, from the midst of March to the middle of September" — and thereafter "from the spring of day till night", with two half hours for drinking, and one hour for dinner and (in summer only) one half hour for sleep: "else, for every hour's absence to default a penny": *Annals of Agriculture*, xxv (1796).



We may observe something of this contrast, in attitudes towards both time and work, in two passages from Stephen Duck's poem, "The Thresher's Labour".<sup>1</sup> The first describes a work-situation which we have come to regard as the norm in the nineteenth and twentieth centuries:

From the strong Planks our Crab-Tree Staves rebound,  
And echoing Barns return the rattling Sound.  
Now in the Air our knotty Weapons Fly;  
And now with equal Force descend from high:  
Down one, one up, so well they keep the Time,  
The *Cyclops* Hammers could not truer chime. . .  
In briny Streams our Sweat descends apace,  
Drops from our Locks, or trickles down our Face.  
No intermission in our Works we know;  
The noisy Threshall must for ever go.  
Their Master absent, others safely play;  
The sleeping Threshall doth itself betray.  
Nor yet the tedious Labour to beguile,  
And make the passing Minutes sweetly smile,  
Can we, like Shepherds, tell a merry Tale?  
The Voice is lost, drown'd by the noisy Flail. . .

Week after Week we this dull Task pursue,  
Unless when winnowing Days produce a new;  
A new indeed, but frequently a worse,  
The Threshall yields but to the Master's Curse:  
He counts the Bushels, counts how much a Day,  
Then swears we've idled half our Time away.  
Why look ye, Rogues! D'ye think that this will do?  
Your Neighbours thresh as much again as you.

This would appear to describe the monotony, alienation from pleasure in labour, and antagonism of interests commonly ascribed to the factory system. The second passage describes the harvesting:

At length in Rows stands up the well-dry'd Corn,  
A grateful Scene, and ready for the Barn.  
Our well-pleas'd Master views the Sight with joy,  
And we for carrying all our Force employ.  
Confusion soon o'er all the Field appears,  
And stunning Clamours fill the Workmens Ears;  
The Bells, and clashing Whips, alternate sound,  
And rattling Waggons thunder o'er the Ground.

<sup>1</sup>"The Threshers Labour", ed. E. P. Thompson and Marian Sugden (1989).

The Wheat got in, the Pease, and other Grain,  
Share the same Fate, and soon leave bare the Plain:  
In noisy Triumph the last Load moves on,  
And loud Huzza's proclaim the Harvest done.

This is, of course, an obligatory set-piece in eighteenth-century farming poetry. And it is also true that the good morale of the labourers was sustained by their high harvest earnings. But it would be an error to see the harvest situation in terms of direct responses to economic stimuli. It is also a moment at which the older collective rhythms break through the new, and a weight of folklore and of rural custom could be called as supporting evidence as to the psychic satisfaction and ritual functions — for example, the momentary obliteration of social distinctions — of the harvest-home. "How few now know", M. K. Ashby writes, "what it was ninety years ago to get in a harvest! Though the disinherited had no great part of the fruits, still they shared in the achievement, the deep involvement and joy of it".<sup>1</sup>

### III

It is by no means clear how far the availability of precise clock time extended at the time of the industrial revolution. From the fourteenth century onwards church clocks and public clocks were erected in the cities and large market towns. The majority of English parishes must have possessed church clocks by the end of the sixteenth century.<sup>2</sup> But the accuracy of these clocks is a matter of dispute; and the sundial remained in use (partly to set the clock) in the seventeenth, eighteenth and nineteenth centuries.<sup>3</sup>

<sup>1</sup>M. K. Ashby, *Joseph Ashby of Tysoe* (Cambridge, 1961), p. 24.

<sup>2</sup>For the early evolution of clocks, see Cipolla, *op. cit.*, *passim*; A. P. Usher, *A History of Mechanical Inventions*, rev. edn. (Cambridge, Mass., 1962), ch. vii; Charles Singer *et al* (eds.), *A History of Technology* (Oxford, 1956), iii, ch. xxiv; R. W. Symonds, *A History of English Clocks* (Penguin, 1947), pp. 10-16, 33; E. L. Edwards, *Weight-driven Chamber Clocks of the Middle Ages and Renaissance* (Alrincham, 1965).

<sup>3</sup>See M. Gatty, *The Book of Sun-dials*, rev. edn. (1900). For an example of a treatise explaining in detail how to set time-pieces by the sundial, see John Smith, *Horological Dialogues* (1675). For examples of benefactions for sundials, see C. J. C. Beeson, *Clockmaking in Oxfordshire* (Banbury Hist. Assn., 1962), pp. 76-8; A. J. Hawkes, *The Clockmakers and Watchmakers of Wigan, 1650-1850* (Wigan, 1950), p. 27.



Charitable donations continued to be made in the seventeenth century (sometimes laid out in "clockland", "ding dong land", or "curfew bell land") for the ringing of early morning bells and curfew bells.<sup>1</sup> Thus Richard Palmer of Wokingham (Berkshire) gave, in 1664, lands in trust to pay the sexton to ring the great bell for half an hour every evening at eight o'clock and every morning at four o'clock, or as near to those hours as might be, from the 10th September to the 11th March in each year

not only that as many as might live within the sound might be thereby induced to a timely going to rest in the evening, and early arising in the morning to the labours and duties of their several callings, (things ordinarily attended and rewarded with thrift and proficiency). . .

but also so that strangers and others within sound of the bell on winter nights "might be informed of the time of night, and receive some guidance into their right way". These "rational ends", he conceived, "could not but be well liked by any discreet person, the same being done and well approved of in most of the cities and market-towns, and many other places in the kingdom. . .". The bell would also remind men of their passing, and of resurrection and judgement.<sup>2</sup> Sound served better than sight, especially in growing manufacturing districts. In the clothing districts of the West Riding, in the Potteries, (and probably in other districts) the horn was still used to awaken people in the mornings.<sup>3</sup> The farmer aroused his own labourers, on occasion, from their cottages; and no doubt the knocker-up will have started with the earliest mills.

<sup>1</sup>Since many early church clocks did not strike the hour, they were supplemented by a bell-ringer.

<sup>2</sup>*Charity Commissioners Reports* (1837/8), xxxii, pt. I, p. 224; see also H. Edwards, *A Collection of Old English Customs* (1842), esp. pp. 223-7; S. O. Addy, *Household Tales* (1895), pp. 129-39; *County Folk-lore, East Riding of Yorkshire*, ed. Mrs Gutch (1912), pp. 150-1; *Leicestershire and Rutland*, ed. C. J. Bilson (1895), pp. 120-1; C. J. C. Beeson, *op. cit.*, p. 36; A. Gatty, *The Bell* (1848), p. 20; P. H. Ditchfield, *Old English Customs* (1896), pp. 232-41.

<sup>3</sup>H. Heaton, *The Yorkshire Woollen and Worsted Industries* (Oxford, 1965), p. 347. Wedgwood seems to have been the first to replace the horn by the bell in the Potteries: E. Meteyard, *Life of Josiah Wedgwood* (1865), i, pp. 329-30.

A great advance in the accuracy of household clocks came with the application of the pendulum after 1658. Grandfather clocks began to spread more widely from the 1660s, but clocks with minute hands (as well as hour hands) only became common well after this time.<sup>1</sup> As regards more portable time, the pocket watch was of dubious accuracy until improvements were made in the escapement and the spiral balance-spring was applied after 1674.<sup>2</sup> Ornate and rich design was still preferred to plain serviceability. A Sussex diarist notes in 1688:

bought. . . a silver-cased watch, w<sup>ch</sup> cost me 3*li*. . . This watch shewes ye hour of ye day, ye month of ye year, ye age of ye moon, and ye ebbing and flowing of ye water; and will goe 30 hours with one winding up.<sup>3</sup>

Professor Cipolla suggests 1680 as the date at which English clock- and watch-making took precedence (for nearly a century) over European competitors.<sup>4</sup> Clock-making had emerged from the skills of the blacksmith,<sup>5</sup> and the affinity can still be seen in the many hundreds of independent clock-makers, working to local orders in their own shops, dispersed through the market-towns and even the large villages of England, Scotland and Wales in the eighteenth century.<sup>6</sup>

<sup>1</sup>W. I. Milham, *Time and Timekeepers* (1923), pp. 142-9; F. J. Britten, *Old Clocks and Watches and Their Makers*, 6th edn. (1932), p. 543; E. Burton, *The Longcase Clock* (1964), ch. ix.

<sup>2</sup>Milham, *op. cit.*, pp. 214-26; C. Clutton and G. Daniels, *Watches* (1965); F. A. B. Ward, *Handbook of the Collections illustrating Time Measurement* (1947), p. 29; Cipolla, *op. cit.*, p. 139.

<sup>3</sup>Edward Turner, "Extracts from the Diary of Richard Stapley", *Sussex Archaeol. Coll.*, ii (1899), p. 113.

<sup>4</sup>See the admirable survey of the origin of the English industry in Cipolla, *op. cit.*, pp. 65-9.

<sup>5</sup>As late as 1697 in London the Blacksmith's Company was contesting the monopoly of the Clockmakers (founded in 1631) on the grounds that "it is well known that they are the original and proper makers of clocks &c. and have full skill and knowledge therein. . .": S. E. Atkins and W. H. Overall, *Some Account of the Worshipful Company of Clockmakers of the City of London* (1881), p. 118. For a village blacksmith/clock-maker see J. A. Daniell, "The Making of Clocks and Watches in Leicestershire and Rutland", *Trans. Leics. Archaeol. Soc.*, xxvii (1951), p. 32.

<sup>6</sup>Lists of such clock-makers are in Britten, *op. cit.*; John Smith, *Old Scottish Clockmakers* (Edinburgh, 1921); and I. C. Peate, *Clock and Watch Makers in Wales* (Cardiff, 1945).



While many of these aspired to nothing more fancy than the work-a-day farmhouse longcase clock, craftsmen of genius were among their numbers. Thus John Harrison, clock-maker and former carpenter of Barton-on-Humber (Lincolnshire), perfected a marine chronometer, and in 1730 could claim to have

brought a Clock to go nearer the truth, than can be well imagin'd, considering the vast Number of seconds of Time there is in a Month, in which space of time it does not vary above one second. . . I am sure I can bring it to the nicety of 2 or 3 seconds in a year.<sup>1</sup>

And John Tibbot, a clock-maker in Newtown (Montgomeryshire), had perfected a clock in 1810 which (he claimed) seldom varied more than a second over two years.<sup>2</sup> In between these extremes were those numerous, shrewd, and highly-capable craftsmen who played a critically important role in technical innovation in the early stages of the industrial revolution. The point, indeed, was not left for historians to discover: it was argued forcibly in petitions of the clock- and watch-makers against the assessed taxes in February 1798. Thus the petition from Carlisle:

. . . the cotton and woollen manufactories are entirely indebted for the state of perfection to which the machinery used therein is now brought to the clock and watch makers, great numbers of whom have, for several years past. . . been employed in inventing and constructing as well as superintending such machinery. . .<sup>3</sup>

Small-town clock-making survived into the eighteenth century, although from the early years of that century it became common for the local clock-maker to buy his parts ready-made from Birmingham, and to assemble these in his own workshop. By contrast, watch-making, from the early years of the eighteenth century, was concentrated in a few centres, of which the most important were London,

<sup>1</sup> Records of the Clockmaker's Company, London Guildhall Archives, 6026/1. See (for Harrison's chronometer) Ward, *op. cit.*, p. 32.

<sup>2</sup> I. C. Peate, "John Tibbot, Clock and Watch Maker", *Montgomeryshire Collections*, xlviii, pt. 2 (Welshpool, 1944), p. 178.

<sup>3</sup> *Commons Journals*, liii, p. 251. The witnesses from Lancashire and Derby gave similar testimonies: *ibid.*, pp. 331, 335.

Coventry, Prescott and Liverpool.<sup>1</sup> A minute subdivision of labour took place in the industry early, facilitating large-scale production and a reduction in prices: the annual output of the industry at its peak (1796) was variously estimated at 120,000 and 191,678, a substantial part of which was for the export market.<sup>2</sup> Pitt's ill-judged attempt to tax clocks and watches, although it lasted only from July 1797 to March 1798, marked a turning-point in the fortunes of the industry. Already, in 1796, the trade was complaining at the competition of French and Swiss watches; the complaints continue to grow in the early years of the nineteenth century. The Clockmakers' Company alleged in 1813 that the smuggling of cheap gold watches had assumed major proportions, and that these were sold by jewellers, haberdashers, milliners, dressmakers, French toy-shops, perfumers, etc., "almost entirely for the use of *the upper classes of society*". At the same time, some cheap smuggled goods, sold by pawnbrokers or travelling salesmen, must have been reaching the poorer classes.<sup>3</sup>

It is clear that there were plenty of watches and clocks around by 1800. But it is not so clear who owned them.

<sup>1</sup> Centres of the clock- and watch-making trade petitioning against the tax in 1798 were: London, Bristol, Coventry, Leicester, Prescott, Newcastle, Edinburgh, Liverpool, Carlisle, and Derby: *Commons Journals*, liii, pp. 158, 167, 174, 178, 230, 232, 239, 247, 251, 316. It was claimed that 20,000 were engaged in the trade in London alone, 7,000 of these in Clerkenwell. But in Bristol only 150 to 200 were engaged. For London, see M. D. George, *London Life in the Eighteenth Century* (1925), pp. 173-6; Atkins and Overall, *op. cit.*, p. 269; *Morning Chronicle*, 19 Dec. 1797; *Commons Journals*, liii, p. 158. For Bristol, *ibid.*, p. 332. For Lancashire, *Victoria County History, Lancashire*.

<sup>2</sup> The lower estimate was given by a witness before the committee on watch-makers' petitions (1798): *Commons Journals*, liii, p. 328 — estimated annual home consumption 50,000, export 70,000. See also a similar estimate (clocks and watches) for 1813, Atkins and Overall, *op. cit.*, p. 276. The higher estimate is for watch-cases marked at Goldsmiths Hall — silver cases, 185,102 in 1796, declining to 91,346 in 1816 — and is in the *Report of the Select Committee on the Petitions of Watchmakers*, PP, 1817, vi and 1818, ix, p. 1, 12.

<sup>3</sup> Atkins and Overall, *op. cit.*, pp. 302, 308 — estimating (excessively?) 25,000 gold and 10,000 silver watches imported, mostly illegally, per annum; and Anon., *Observations on the Art and Trade of Clock and Watchmaking* (1812), pp. 16-20.



Dr Dorothy George, writing of the mid eighteenth century, suggests that "labouring men, as well as artisans, frequently possessed silver watches", but the statement is indefinite as to date and only slightly documented.<sup>1</sup> The average price of plain longcase clocks made locally in Wrexham between 1755 and 1774 ran between £2 and £2 15s. 0d.; a Leicester price-list for new clocks, without cases, in 1795 runs between £3 and £5. A well-made watch would certainly cost no less.<sup>2</sup> On the face of it, no labourer whose budget was recorded by Eden or David Davies could have meditated such prices, and only the best-paid urban artisan. Recorded time (one suspects) belonged in the mid-century still to the gentry, the masters, the farmers and the tradesmen; and perhaps the intricacy of design, and the preference for precious metal, were in deliberate accentuation of their symbolism of status.

But, equally, it would appear that the situation was changing in the last decades of the century. The debate provoked by the attempt to impose a tax on all clocks and watches in 1797-8 offers a little evidence. It was perhaps the most unpopular and it was certainly the most unsuccessful of all of Pitt's assessed taxes:

If your Money he take — why your Breeches remain;  
And the flaps of your Shirts, if your Breeches he gain;  
And your Skin, if your Shirts; and if Shoes, your bare feet.  
Then, never mind TAXES — *We've beat the Dutch fleet!*<sup>3</sup>

The taxes were of 2s. 6d. upon each silver or metal watch; 10s. upon each gold one; and 5s. upon each clock. In debates upon the tax, the statements of ministers were remarkable only for their contradictions. Pitt declared that he expected the tax to produce £200,000 per annum:

<sup>1</sup>George, *op. cit.*, p. 70. Various means of time-telling were of course employed without clocks: the engraving of the wool-comber in *The Book of English Trades* (1818), p. 438 shows him with an hour-glass on his bench; threshers measured time as the light from the door moved across the barn floor; and Cornish tinnerns measured it underground by candles (information from J. G. Rule).

<sup>2</sup>I. C. Peate, "Two Montgomeryshire Craftsmen", *Montgomeryshire Collections*, xlviii, pt. 1 (Welshpool, 1944), p. 5; Daniell, *op. cit.*, p. 39. The average price of watches exported in 1792 was £4: *PP*, 1818, ix, p. 1.

<sup>3</sup>"A loyal Song", *Morning Chronicle*, 18 Dec. 1797.

In fact, he thought, that as the number of houses paying taxes is 700,000 and that in every house there is probably one person who wears a watch, the tax upon watches only would produce that sum.

At the same time, in response to criticism, ministers maintained that the ownership of clocks and watches was a mark of luxury. The Chancellor of the Exchequer faced both ways: watches and clocks "were certainly articles of convenience, but they were also articles of luxury. . . generally kept by persons who would be pretty well able to pay. . .". "He meant, however, to exempt Clocks of the meaner sort that were most commonly kept by the poorer classes."<sup>1</sup> The Chancellor clearly regarded the tax as a sort of Lucky Bag; his guess was more than three times that of the Pilot:

GUESSWORK TABLE

Articles	Tax	Chancellor's estimate	Would mean
Silver and metal watches	2s. 6d.	£100,000	800,000 watches
Gold watches	10s. 0d.	£200,000	400,000 watches
Clocks	5s. 0d.	£3 or £400,000	c. 1,400,000 clocks

His eyes glittering at the prospect of enhanced revenue, Pitt revised his definitions: a *single* watch (or dog) might be owned as an article of convenience — more than this were "tests of affluence".<sup>2</sup>

Unfortunately for the quantifiers of economic growth, one matter was left out of account. The tax was impossible to collect.<sup>3</sup> All householders were ordered, upon dire pains, to return lists of clocks and watches within their houses. Assessments were to be quarterly:

<sup>1</sup>The exemptions in the Act (37 Geo. III, c. 108, cl., xii, xxii and xxiv) were (a) for one clock or watch for any householder exempted from window and house tax (i.e. cottager), (b) for clocks "made of wood, or fixed upon wood, and which clocks are usually sold by the respective makers thereof at a price not exceeding the sum of 20s. . .", (c) Servants in husbandry.

<sup>2</sup>*Morning Chronicle*, 1 July 1797; *Craftsman*, 8 July 1779; *Parl. Hist.*, xxxiii, *passim*.

<sup>3</sup>In the year ending 5 April 1798 (three weeks after repeal) the tax had raised £2,600: *PP*, ciii, Accounts and Papers (1797-98), xlv, pp. 933 (2) and 933 (3).



Mr. Pitt has very proper ideas of the remaining finances of the country. The *half-crown* tax upon watches is appointed to be collected *quarterly*. This is grand and dignified. It gives a man an air of consequence to pay *sevenpence halfpenny* to support *religion, property, and social order*.<sup>1</sup>

In fact, the tax was regarded as folly; as setting up a system of espionage; and as a blow against the middle class.<sup>2</sup> There was a buyer's strike. Owners of gold watches melted down the covers and exchanged them for silver or metal.<sup>3</sup> The centres of the trade were plunged into crisis and depression.<sup>4</sup> Repealing the Act in March 1798, Pitt said sadly that the tax *would* have been productive much beyond the calculation originally made; but it is not clear whether it was his own calculation (£200,000) or the Chancellor of the Exchequer's (£700,000) which he had in mind.<sup>5</sup>

We remain (but in the best of company) in ignorance. There were a lot of timepieces about in the 1790s: emphasis is shifting from "luxury" to "convenience"; even cottagers may have wooden clocks costing less than twenty shillings. Indeed, a general diffusion of clocks and watches is occurring (as one would expect) at the exact moment when the industrial revolution demanded a greater synchronisation of labour.

Although some very cheap — and shoddy — time-pieces were beginning to appear, the prices of efficient ones remained for several decades beyond the normal reach of the artisan.<sup>6</sup> But we should not allow normal economic

<sup>1</sup> *Morning Chronicle*, 26 July, 1797.

<sup>2</sup> One indication may be seen in the sluggardly collection of arrears. Taxes imposed, July 1797: receipts, year ending Jan. 1798 — £300. Taxes repealed, March 1798: arrears received, year ending Jan. 1799, £35,420; year ending Jan. 1800, £14,966. *PP*, cix, Accounts and Papers (1799-1800), li, pp. 1009 (2) and 1013 (2).

<sup>3</sup> *Morning Chronicle*, 16 Mar. 1798; *Commons Journals*, liii, p. 328.

<sup>4</sup> See petitions, cited in note 1 on p. 365; *Commons Journals*, liii, pp. 327-33; *Morning Chronicle*, 13 Mar. 1798. Two-thirds of Coventry watchmakers were said to be unemployed: *ibid.*, 8 Dec. 1797.

<sup>5</sup> *Craftsman*, 17 Mar. 1798. The one achievement of the Act was to bring into existence — in taverns and public places — the "Act of Parliament Clock".

<sup>6</sup> Imported watches were quoted at a price as low as 5s. in 1813: Atkins and Overall, *op. cit.*, p. 292. See also note 1 on p. 367. The price of an efficient British silver pocket watch was quoted in 1817 (*Committee on*

preferences to mislead us. The small instrument which regulated the new rhythms of industrial life was at the same time one of the more urgent of the new needs which industrial capitalism called forth to energise its advance. A clock or watch was not only useful; it conferred prestige upon its owner, and a man might be willing to stretch his resources to obtain one. There were various sources, various occasions. For decades a trickle of sound but cheap watches found their way from the pickpocket to the receiver, the pawnbroker, the public house.<sup>1</sup> Even labourers, once or twice in their lives, might have an unexpected windfall, and blow it on a watch: the militia bounty,<sup>2</sup> harvest earnings, or the yearly wages of the servant.<sup>3</sup> In some parts of the country Clock and Watch Clubs were set up — collective hire-purchase.<sup>4</sup> Moreover, the time-piece was the poor man's bank, an investment of

---

Petitions of Watchmakers, *PP*, 1817, vi) at two to three guineas; by the 1830s an effective metal watch could be had for £1: D. Lardner, *Cabinet Cyclopaedia* (1834), iii, p. 297.

<sup>1</sup> Many watches must have changed hands in London's underworld: legislation in 1754 (27 Geo. II, c. 7) was directed at receivers of stolen watches. The pickpockets of course continued their trade undeterred: see, e.g. *Minutes of Select Committee to Inquire into the State of the Police of the Metropolis* (1816), p. 437 — "take watches could get rid of them as readily as anything else. . . It must be a very good patent silver watch that fetched £2; a gold one £5 or £6". Receivers of stolen watches in Glasgow are said to have sold them in quantities in country districts in Ireland (1834): see J. E. Handley, *The Irish in Scotland, 1798-1845* (Cork, 1943), p. 253.

<sup>2</sup> "Winchester being one of the general rendezvous for the militia volunteers, has been a scene of riot, dissipation and absurd extravagance. It is supposed that nine-tenths of the bounties paid to these men, amounting to at least £20,000 were all spent on the spot among the public houses, milliners, watch-makers, hatters, &c. In mere wantonness Bank notes were actually eaten between slices of bread and butter": *Monthly Magazine*, Sept. 1799.

<sup>3</sup> Witnesses before the Select Committee of 1817 complained that inferior wares (sometimes known as "Jew watches") were touted in country fairs and sold to the gullible at mock auctions: *PP*, 1817, vi, pp. 15-16.

<sup>4</sup> Benjamin Smith, *Twenty-four Letters from Labourers in America to their Friends in England* (1829), p. 48: the reference is to parts of Sussex — twenty people clubbed together (as in a Cow Club) paying 5s. each for twenty successive weeks, drawing lots each for one £5 time-piece.



savings: it could, in bad times, be sold or put in hock.<sup>1</sup> "This 'ere ticker", said one Cockney compositor in the 1820s, "cost me but a five-pun note ven I bort it fust, and I've popped it more than twenty times, and had more than forty poun' on it altogether. It's a garjian haingel to a fellar, is a good votch, ven you're hard up".<sup>2</sup>

Whenever any group of workers passed into a phase of improving living standards, the acquisition of time-pieces was one of the first things noted by observers. In Radcliffe's well-known account of the golden age of the Lancashire handloom weavers in the 1790s the men had "each a watch in his pocket" and every house was "well furnished with a clock in elegant mahogany or fancy case".<sup>3</sup> In Manchester fifty years later the same point caught a reporter's eye:

No Manchester operative will be without one a moment longer than he can help. You see, here and there, in the better class of houses, one of the old-fashioned, metallic-faced eight-day clocks; but by far the most common article is the little Dutch machine, with its busy pendulum swinging openly and candidly before all the world.<sup>4</sup>

Thirty years later again it was the gold double watch-chain which was the symbol of the successful Lib-Lab trade union leader; and for fifty years of disciplined servitude to work, the enlightened employer gave to his employee an engraved gold watch.

#### IV

Let us return from the time-piece to the task. Attention to time in labour depends in large degree upon the need for the synchronisation of labour. But in so far as manufacturing industry remained conducted upon a domestic or small workshop scale, without intricate subdivision of processes,

<sup>1</sup> *PP*, 1817, vi, pp. 19, 22.

<sup>2</sup> [C. M. Smith], *The Working Man's Way in the World* (1853), pp. 67-8.

<sup>3</sup> W. Radcliffe, *The Origin of Power Loom Weaving* (Stockport, 1828), p. 167.

<sup>4</sup> *Morning Chronicle*, 25 Oct. 1849. But J. R. Porter, *The Progress of the Nation* (1843), iii, p. 5 still saw the possession of a clock as "the certain indication of prosperity and of personal respectability on the part of the working man".

the degree of synchronisation demanded was slight, and task-orientation was still prevalent.<sup>1</sup> The putting-out system demanded much fetching, carrying, waiting for materials. Bad weather could disrupt not only agriculture, building and transport, but also weaving, where the finished pieces had to be stretched on the tenters to dry. As we get closer to each task, we are surprised to find the multiplicity of subsidiary tasks which the same worker or family group must do in one cottage or workshop. Even in larger workshops men sometimes continued to work at distinct tasks at their own benches or looms, and — except where the fear of the embezzlement of materials imposed stricter supervision — could show some flexibility in coming and going.

Hence we get the characteristic irregularity of labour patterns before the coming of large-scale machine-powered industry. Within the general demands of the week's or fortnight's tasks — the piece of cloth, so many nails or pairs of shoes — the working day might be lengthened or shortened. Moreover, in the early development of manufacturing industry, and of mining, many mixed occupations survived: Cornish tanners who also took a hand in the pilchard fishing; Northern lead-miners who were also smallholders; the village craftsmen who turned their hands to various jobs, in building, carting, joining; the domestic workers who left their work for the harvest; the Pennine small-farmer/weaver.

It is in the nature of such work that accurate and representative time-budgets will not survive. But some extracts from the diary of one methodical farming weaver in 1782-83

<sup>1</sup> For some of the problems discussed in this and the following section, see especially Keith Thomas, "Work and Leisure in Pre-Industrial Societies", *Past and Present*, 29 (1964). Also C. Hill, "The Uses of Sabbatarianism", in *Society and Puritanism in Pre-Revolutionary England* (1964); E. S. Furniss, *The Position of the Laborer in a System of Nationalism* (Boston, 1920; reprint 1965); D. C. Coleman, "Labour in the English Economy of the Seventeenth Century", *Econ. Hist. Rev.*, 2nd series, viii (1955-6); S. Pollard, "Factory Discipline in the Industrial Revolution", *Econ. Hist. Rev.*, 2nd series, xvi (1963-4); T. S. Ashton, *An Economic History of England in the Eighteenth Century* (1955), ch. vii; W. E. Moore, *Industrialization and Labor* (New York, 1952); and B. F. Hoselitz and W. E. Moore, *Industrialization and Society* (UNESCO, 1963).



may give us an indication of the variety of tasks. In October 1782 he was still employed in harvesting, and threshing, alongside his weaving. On a rainy day he might weave  $8\frac{1}{2}$  or 9 yards; on October 14th he carried his finished piece, and so wove only  $4\frac{1}{2}$  yards; on the 23rd he "worked out" till 3 o'clock, wove two yards before sunset, "clouted [mended] my coat in the evening". On December 24th "wove 2 yards before 11 o'clock. I was laying up the coal heap, sweeping the roof and walls of the kitchen and laying the muck [midden?] till 10 o'clock at night." Apart from harvesting and threshing, churning, ditching and gardening, we have these entries:

January 18, 1783: "I was employed in preparing a Calf stall & Fetching the Tops of three Plain Trees home which grew in the Lane and was that day cut down & sold to John Blagbrough."

January 21st: "Wove  $2\frac{1}{2}$  yards the Cow having calved she required much attendance." (On the next day he walked to Halifax to buy medicine for the cow.)

On January 25th he wove 2 yards, walked to a nearby village, and did "sundry jobs about the lathe and in the yard & wrote a letter in the evening". Other occupations include jobbing with a horse and cart, picking cherries, working on a mill dam, attending a Baptist association and a public hanging.<sup>1</sup>

This general irregularity must be placed within the irregular cycle of the working week (and indeed of the working year) which provoked so much lament from moralists and mercantilists in the seventeenth centuries. A

<sup>1</sup> MS diaries of Cornelius Ashworth of Wheatley, in Halifax Ref. Lib.; see also T. W. Hanson, "The Diary of a Grandfather", *Trans. Halifax Antiq. Soc.* (1916). M. Sturge Henderson, *Three Centuries in North Oxfordshire* (Oxford, 1902), pp. 133-46, 103, quotes similar passages (weaving, pig-killing, felling wood, marketing) from the diary of a Charlbury weaver, 1784. It is interesting to compare time-budgets from more primitive peasant economies, e.g. Sol Tax, *Penny Capitalism — a Guatemalan Indian Economy* (Washington, 1953), pp. 104-5; George M. Foster, *A Primitive Mexican Economy* (New York, 1942), pp. 35-8; M. J. Herskovits, *The Economic Life of Primitive Peoples* (New York, 1940), pp. 72-9; Raymond Firth, *Malay Fishermen* (1946), pp. 93-7.

rhyme printed in 1639 gives us a satirical version:

You know that Munday is Sundayes brother;  
Tuesday is such another;  
Wednesday you must go to Church and pray;  
Thursday is half-holiday;  
On Friday it is too late to begin to spin;  
The Saturday is half-holiday again.<sup>1</sup>

John Houghton, in 1681, gives us the indignant version:

When the framework knitters or makers of silk stockings had a great price for their work, they have been observed seldom to work on Mondays and Tuesdays but to spend most of their time at the ale-house or nine-pins. . . The weavers, 'tis common with them to be drunk on Monday, have their head-ache on Tuesday, and their tools out of order on Wednesday. As for the shoemakers, they'll rather be hanged than not remember St. Crispin on Monday. . . and it commonly holds as long as they have a penny of money or pennyworth of credit.<sup>2</sup>

The work pattern was one of alternate bouts of intense labour and of idleness, wherever men were in control of their own working lives. (The pattern persists among some self-employed — artists, writers, small farmers, and perhaps also with students — today, and provokes the question whether it is not a "natural" human work-rhythm.) On Monday or Tuesday, according to tradition, the hand-loom went to the slow chant of *Plen-ty of Time, Plen-ty of Time*: On Thursday and Friday, *A day t'lat, A day t'lat*.<sup>3</sup> The temptation to lie in an extra hour in the morning pushed work into the evening, candle-lit hours.<sup>4</sup> There are few trades which are not described as honouring Saint Monday: shoemakers, tailors, colliers, printing workers, potters, weavers, hosiery workers, cutlers, all Cockneys. Despite the full employment

<sup>1</sup> *Divers Crab-Tree Lectures* (1639), p. 126, cited in John Brand, *Observations on Popular Antiquities* (1813), i, pp. 459-60. H. Bourne, *Antiquitates Vulgares* (Newcastle, 1725), pp. 115 ff. declares that on Saturday afternoons in country places and villages "the Labours of the Plough Ceast, and Refreshment and Ease are over all the Village".

<sup>2</sup> J. Houghton, *Collection of Letters* (1683), p. 177, cited in Furniss, *op. cit.*, p. 121.

<sup>3</sup> Hanson, *op. cit.*, p. 234.

<sup>4</sup> J. Clayton, *Friendly Advice to the Poor* (Manchester, 1755), p. 36.



of many London trades during the Napoleonic Wars, a witness complained that "we see Saint Monday so religiously kept in this great city. . . in general followed by a Saint Tuesday also".<sup>1</sup> If we are to believe "The Jovial Cutlers", a Sheffield song of the late eighteenth century, its observance was not without domestic tension:

How upon a good Saint Monday,  
Sitting by the smithy fire,  
Telling what's been done o't Sunday,  
And in cheerful mirth conspire,  
Soon I hear the trap-door rise up,  
On the ladder stands my wife:  
"Damn thee, Jack, I'll dust they eyes up,  
Thou leads a plaguy drunken life;  
Here thou sits instead of working,  
Wi' thy pitcher on thy knee;  
Curse thee, thou'd be always lurking.  
And I may slave myself for thee".

The wife proceeds, speaking "with motion quicker/Than my boring stick at a Friday's pace", to demonstrate effective consumer demand:

"See thee, look what stays I've gotten,  
See thee, what a pair o' shoes;  
Gown and petticoat half rotten,  
Ne'er a whole stitch in my hose. . ."

and to serve notice of a general strike:

"Thou knows I hate to broil and quarrel,  
But I've neither soap nor tea;  
Od burn thee, Jack, forsake thy barrel,  
Or nevermore thou'st lie wi' me".<sup>2</sup>

<sup>1</sup> *Report of the Trial of Alexander Wadsworth against Peter Laurie* (1811), p. 21. The complaint is particularly directed against the Saddlers.

<sup>2</sup> *The Songs of Joseph Mather* (Sheffield, 1862), pp. 88-90. The theme appears to have been popular with ballad-makers. A Birmingham example, "Fuddling Day, or Saint Monday" (for which I am indebted to the late Charles Parker) runs:

Saint Monday brings more ills about,  
For when the money's spent,  
The children's clothes go up the spout,  
Which causes discontent;  
And when at night he staggers home,  
He knows not what to say,  
A fool is more a man than he  
Upon a fuddling day.

Saint Monday, indeed, appears to have been honoured almost universally wherever small-scale, domestic, and out-work industries existed; was generally found in the pits; and sometimes continued in manufacturing and heavy industry.<sup>1</sup> It was perpetuated, in England, into the nineteenth — and, indeed, into the twentieth<sup>2</sup> — century for complex economic and social reasons. In some trades, the small masters themselves accepted the institution, and employed Monday in taking-in or giving-out work. In Sheffield, where the cutlers had for centuries tenaciously honoured the Saint, it had become "a settled habit and custom" which the steel-mills themselves honoured (1874):

This Monday idleness is, in some cases, enforced by the fact that Monday is the day that is taken for repairs to the machinery of the great steelworks.<sup>3</sup>

Where the custom was deeply-established, Monday was the day set aside for marketing and personal business. Also, as Duveau suggests of French workers, "le dimanche est le jour de la famille, le lundi celui de l'amitié"; and as the

<sup>1</sup> It was honoured by Mexican weavers in 1800: see Jan Bazant, "Evolution of the textile industry of Puebla, 1544-1845", *Comparative Studies in Society and History*, viii (1964), p. 65. Valuable accounts of the custom in France in the 1850s and 1860s are in George Duveau, *La Vie Ouvrière en France sous le Second Empire* (Paris, 1946), pp. 242-8, and P. Pierrard, *La Vie Ouvrière à Lille sous le Second Empire* (Paris, 1965), pp. 165-6. Edward Young, conducting a survey of labour conditions in Europe, with the assistance of U.S. consuls, mentions the custom in France, Belgium, Prussia, Stockholm, etc. in the 1870s: E. Young, *Labour in Europe and America* (Washington, 1875), pp. 576, 661, 674, 685, etc.

<sup>2</sup> Notably in the pits. An old Yorkshire miner informs me that in his youth it was a custom on a bright Monday morning to toss a coin in order to decide whether or not to work. I have also been told that "Saint Monday" is still honoured in its pristine purity by a few coopers in Burton-on-Trent.

<sup>3</sup> E. Young, *op. cit.*, pp. 408-9 (Report of U.S. Consul). Similarly, in some mining districts, "Pay Monday" was recognised by the employers and the pits were only kept open for repairs: on Monday, only "dead work is going on", *Report of the Select Committee on the Scarcity and Dearness of Coal*, PP, 1873, x, QQ 177, 201-7.